

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

REPORT TO THE HIGHLAND COUNCIL

**DEVELOPMENT PLAN EXAMINATION:
WEST HIGHLAND AND ISLANDS LOCAL PLAN**

**Reporters: Douglas G Hope BSc (Hons) MA DipTP FRGS MRTPI
Iain Lumsden MA (Hons) MSc MRTPI
David Russell MA (Hons) MPhil MRTPI**

Date of Report: 26 February 2010

Ref: LDP-270-1

Telephone: 01324 696455 F: 01324 696444
E: dpea@scotland.gsi.gov.uk

Mr Richard Hartland
Head of Planning and Building Standards
The Highland Council
Glenurquhart Road
INVERNESS
IV3 5NX

Our ref: LDP-270-1

26 February 2010

Dear Mr Hartland

**THE HIGHLAND COUNCIL – EXAMINATION OF THE PROPOSED WEST HIGHLAND
AND ISLANDS LOCAL PLAN
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT PLANNING) (SCOTLAND)
REGULATIONS 2008**

We refer to our appointment by the Scottish Ministers to conduct the examination of the West Highland and Islands Local Plan. We have completed the examination, and now submit our report, enclosing four bound copies.

In our examination we considered each of the 119 issues arising from unresolved representations which were identified by the council. In each case we have taken account of the summaries of the representations and the responses, as prepared by the council. This forms the starting point for our report on each issue, but we have set out our own conclusions on each issue and where relevant, our recommendations for any modifications which should be made to the plan.

We have taken into account the documents lodged by the council when it submitted the plan for examination. These included each of the original representations which it had received. Our examination also included unaccompanied inspections of the sites concerned, although in one case this was carried out on an accompanied basis. For some issues, we requested additional information from the council and/or other parties.

We also held a number of hearings to explore certain issues in greater detail. Eight were held in relation to Fort William. These dealt with the scale of the land to be made available there both for housing and for business and industry; as well as some of the major sites which the council proposed to allocate for development. In addition, further hearings were held to discuss the council's proposals to identify 'commerce centres' in Broadford, Kyle of Lochalsh and Portree. These hearings informed our conclusions and recommendations on these issues.

Subject to the limited exceptions as set out in section 19 of the Town and Country Planning (Scotland) Act 1997 and in the Town and Country Planning (Grounds for Declining to Follow Recommendations) (Scotland) Regulations 2009, the council is now required to make the modifications to the proposed local plan as set out in our recommendations.

The council should also make any consequential modifications to the text or maps which arise from these modifications, and may also make any necessary non-material corrections to the plan. Separately, the council will require to make any necessary adjustments to the final environmental report and to the report on the appropriate assessment of the plan.

A letter will be issued to all those who submitted representations to inform them that the examination has been completed and that the report has been submitted to the council. It will advise them that the report is now available to view at our web site at:-

"<http://www.scotland.gov.uk/Topics/Built-Environment/planning/decisionsappeals/Appeals/PlanInquiries>"

and at the council's offices at Lochaber House, High Street, Fort William and Tigh-na-Sgìre, Park Lane, Portree and the Headquarters at Glenurquhart Road, Inverness; and that it will also be posted on the council's web site at:-

"<http://www.highland.gov.uk/yourenvironment/planning/developmentplans/localplans/WHILPExamination.htm>"

The documents relating to the examination should be retained on the council's web-site for a period of six weeks following the adoption of the plan by the council.

Yours sincerely

Douglas G Hope
Reporter

Iain Lumsden
Reporter

David Russell
Principal Reporter

CONTENTS

Issue No	Subject	Page No
1	Ardgour H1: Lighthouse Field	1
2	Ardgour H2: Woodend (North)	3
3	Ardgour H3: Woodend (South)	4
4	Ardgour H4: East Parks	6
5	Ardgour H5: North Corran	7
6	Ardgour B1: East of School	8
7	Ardgour B2: Woodside	9
8	Ardgour MU: South West of School	10
9	Acharacle: General	11
10	Acharacle H1: West of Medical Centre	12
11	Acharacle H2: Ardshellach (Druimbeg)	13
12	Ballachulish South: General Comment	16
13	Ballachulish South MU: Former Station Yard	17
14	Ballachulish South: Settlement Development Area (SDA): Land North of A82	19
15	Ballachulish South: Settlement Development Area (SDA): Rectory	20
16	Ballachulish South: Settlement Development Area (SDA): West Harbour	21
17	Glenachulish: General	22
18	Glenachulish MU1 (West of A828), MU2 (East of A828) and MU3 (South of A82)	23
19	North Ballachulish: Settlement Development Area (SDA)	26
20	North Ballachulish H1: Between North Ballachulish and Old Town and H2: North of Loch Leven Hotel	28
21	North Ballachulish B: Adjoining the Business Park	31
22	Glencoe: Settlement Development Area (SDA)	33
23	Glencoe Allocations C1 (deleted) and H3: South of Filling Station	34
24	Kinlochleven H2: Foyers Road	35
25	Kinlochleven H3: Wades Road	37
26	Onich H: Former Garage	39

Issue No	Subject	Page No
27	Inchree MU: North of River Righ and H: South of River Righ	41
28	Duror: Settlement Development Area (SDA)	45
29	Duror H1: North of Achindarroch Road	47
30	Duror H2: South of Achindarroch	49
31	Duror General and MU: Adjacent to former Hotel	51
32	Lochaline: General	53
33	Lochaline H3: East of Dunaline	54
34	Lochaline B2: North East of War Memorial	55
35	Kilchoan: Settlement Development Area (SDA)	57
36	Strontian: Settlement Development Area (SDA)	59
37	Strontian B2: Former Hotel	61
38	Glenborrodale: Settlement Development Area (SDA)	62
39	Glenborrodale H: School/Adjoining land	64
40	Salen: Settlement Development Area (SDA)	65
41	Drimnin/Bunavulin: Settlement Development Area (SDA)	67
42	Roshven: Settlement Development Area (SDA)	68
43	Mingarry: Settlement Development Area (SDA)	71
44	Kentallen: Settlement Development Area (SDA)	73
45	Mallaig	75
46	Morar	79
47	Arisaig	83
48	Gairloch	88
49	Spean Bridge	93
50	Roy Bridge	100
51	Invergarry	105
52	Erracht	109
53	Kyle of Lochalsh	111
54	Plockton	116
55	Achmore	121
56	Reraig	124
57	Auchtertyre	126

Issue No	Subject	Page No
58	Dornie	129
59	Inverinate	131
60	Avernish and Nostie	133
61	Camas Luinie	135
62	Sallachy	136
63	Armadale	138
64	Tarskavaig	140
65	Ferrindonald and Teangue	141
66	Kilbeg	143
67	Achnacloich	144
68	Eilean Iarmain (Camascross)	145
69	Kylerhea	147
70	Kyleakin	149
71	Edinbane	154
72	Aird Bernisdale	156
73	Annishadder	157
74	Inverarish	158
75	Uig	160
76	An Clachan (Staffin)	161
77	Glen Hinnisdal	163
78	Maligar	165
79	Ose	166
80	Harlosh	167
81	Roag	168
82	Fort William General	169
83	Fort William: Housing Development Site	177
84	Fort William MU1: Expansion Sites	179
85	Fort William MU2: Mixed Use Sites	184
86	Fort William MU3: Mixed Use Sites	186
87	Fort William MU4: Mixed Use Sites	188
88	Fort William MU5 and MU7: Expansion Sites	190
89	Fort William MU8: Mixed Use Sites	195

Issue No	Subject	Page No
90	Fort William MU9 and B3: Expansion Sites	199
91	Fort William MU10: Expansion Sites	204
92	Fort William MU12 and MU13: Mixed Use Sites	207
93	Fort William MU16: Expansion Sites	209
94	Fort William MU17: Expansion Sites	211
95	Portree	213
96	Broadford	220
97	Dunvegan	224
98	Glenelg/Galltair and Glen Bernera	226
99	Portnalong and Fiskavaig	230
100	Braeside: Settlement Development Area (SDA) (by Kinlocheil)	231
101	General	232
102	General Policies: Introductory paragraphs	248
103	Settlement Development Areas	250
104	Wider Countryside	252
105	Natural, Built and Cultural Heritage	255
106	Affordable Housing	261
107	Designing for Sustainability	263
108	Waste Water Treatment	265
109	Waste Management	268
110	Flood Risk	270
111	Physical Constraints	273
112	Developer Contributions	275
113	Housing in the Countryside	279
114	Design Quality and Place-Making	282
115	General Policies: Omission of policy on protection of the Water Environment	284
116	General Policies: Omission of policy on Air Quality issues	286
117	General Policies: Omission of policy on Renewable Energy Development issues	288
118	General Policies: Omission of policy on Open Space issues	290
119	General Policies: Omission of policy on Contaminated Land issues	292

Issue (ref and heading):	1. ARDGOUR H1 - Lighthouse Field	Reporter: Iain Lumsden
Development plan reference:	Ardgour H1 Text MB 4 – Map LO1 MB 5	
Body or person(s) submitting a representation raising the issue (reference no.):		
D. & A. MacDonald (175), Kearney Donald Partnership on behalf of Mr R. MacLean (406)		
Provision of the Development Plan to which the issue relates:	Housing Allocation	
Council's summary of the representation(s):		
<p><u>D. & A. MacDonald</u>: Object to development because the Council owns a better site to the rear of houses 17-22 North Corran, which has all the services. It seems ludicrous to use up green space, when the Council have previously earmarked this area for housing.</p> <p><u>Kearney Donald Partnership</u>: Disputes that the land to the south should be safeguarded from development for a future crossing over the Corran Narrows because this will sterilise it for a considerable time.</p>		
Modifications sought by those submitting representations:		
<p><u>D. & A. MacDonald</u>: Deletion of site.</p> <p><u>Kearney Donald Partnership</u>: Seek increase in the capacity from 8 to 16 all of which could be affordable with an extension to the south.</p>		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u>: RETAIN ALLOCATION.</p> <p><u>Reasons</u>: It is considered that an adequate housing land supply has been identified overall for Ardgour and Clovullin. An increase in the capacity for this site is resisted as this would require significant investment in access improvements. Several smaller sites are seen as more appropriate to the existing settlement pattern and will offer a greater likelihood of providing an effective housing land supply. At an indicative capacity of 8 the infrastructure improvements required will be more feasible than for a larger development. However, it is still considered that a developer requirement for access improvements is necessary albeit they won't be as significant.</p>		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
<p>Site H1 is identified in the adopted local plan as a part of a housing allocation (5.6.6(a)) which has an indicative capacity for 10-12 houses. The deposit version of the local plan states that it is now proposed to identify a reduced area for housing at this location with an indicative capacity of 8 units. The need to undertake significant access improvements to enable even this more limited scale of development to proceed is also recognised in the plan in the Developer Requirements.</p> <p>The land further to the east opposite the houses at 17-22 North Corran, referred to in the representations, was also identified in the adopted local plan as a housing site. This site</p>		

remains within the SDA boundary, but it is no longer specifically recognised in the deposit version of the local plan as a housing site. It is considered that this site would appear to have physical constraints which would make its development problematic. I, therefore, agree with the Council that it would be inappropriate to specifically identify this land as an effective housing opportunity in the present plan. However, the opportunity for a suitably designed scheme for housing to be undertaken on this land within the life time of the plan remains a possibility and its inclusion within the SDA keeps this option open.

Turning to the second matter, it is noted that one of the settlement objectives for Ardgour is to protect the Lighthouse Field and adjoining land as a potential landfall for a future crossing of the Corran Narrows. The identification through H1 of a small corner of this field for a limited housing development of some 8 units does not in my view prejudice the attainment of this longer term objective. Although there is no firm commitment at present from the Council to the provision of a crossing of the Narrows, I consider that in the context of the longer term planning of the area it would be prudent to ensure that no development takes place on land that may be required to allow construction of a crossing to take place. This position is further endorsed by the fact that I have seen no evidence to substantiate the view that there is a shortage of housing sites in the Ardgour area which would require the Lighthouse Field to accommodate a larger number of houses. I do not therefore consider there is any justification for increasing the indicative capacity of the H1 site from 8 to 16 units. I note that such an increase would also require significant additional expenditure on improving infrastructure provision, including better road access to the site.

Reporter's Recommendations

No modifications.

Issue (ref and heading):	2. ARDGOUR H2 - Woodend North	Reporter: Iain Lumsden
Development plan reference:	Ardgour H2 Text MB 4 – Map LO1 MB 5	
Body or person(s) submitting a representation raising the issue (reference no.):		
Kearney Donald Partnership on behalf of Mr R. MacLean (406)		
Provision of the Development Plan to which the issue relates:	Housing Allocation	
Council's summary of the representation(s):		
Queries size and capacity of allocation.		
Modifications sought by those submitting representations:		
Believe it should be 1.96 hectares and have an increased capacity of 20 units.		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u>: RETAIN ALLOCATION.</p> <p><u>Reasons</u>: The Council has now increased the capacity of the site and corrected the site area. At planning application stage a more detailed appraisal will be undertaken of the actual site capacity in the context of assessing whether the developer's proposed scheme is appropriate but a 20 unit development is unlikely to be appropriate to the existing settlement pattern, demand, landscape capacity (including the presence of the designed landscape) and servicing.</p>		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
<p>It is noted that the Council has acknowledged that in the deposit version of the plan the size of the H2 (Woodend North) site was incorrectly stated to be 0.8ha. The Council has now indicated that the size of the site should be 1.96ha as stated in this representation. It is noted that the Council has also stated that the indicative capacity of the site should remain at 10 units and not be increased to 20 units as requested in the representations.</p> <p>I note that the whole of the H2 site lies in an area of woodland that forms part of the designed landscape of Ardgour House, which is of national significance as it is included in the Inventory of Designed Landscapes. Some trees within the site have already been felled, but a number of trees which I believe are of significance to the landscape quality of the area remain. Given: (i) the landscape sensitivity of the site; (ii) the general character and density of development found in this small rural settlement; and, (iii) the lack of any substantive evidence that the plan has allocated insufficient land for housing in Ardgour; I do not consider that there is any justification for increasing the indicative capacity of this site to 20 units. I agree with the Council that the most appropriate way of determining the environmental capacity of this site to accommodate a housing development would be through the submission and subsequent consideration of a detailed planning application.</p>		
Reporter's Recommendations		
No modifications.		

Issue (ref and heading):	3. ARDGOUR H3 - Woodend (South)	Reporter: Iain Lumsden
Development plan reference:	Ardgour H3 Text MB4 – Map LO1 MB 5	
Body or person(s) submitting a representation raising the issue (reference no.):		
R. Wright (970), Kearney Donald Partnership on behalf of R. MacLean (406)		
Provision of the Development Plan to which the issue relates:	Housing Allocation and SDA	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> • <u>R. Wright</u>: Wants SDA extended at south end (on land formerly covered by a larger H3 allocation) for small scale development comprising agricultural buildings and self catering holiday letting accommodation because: it will help cross subsidise one of the few actively worked local crofts; the loss of a small area of croftland is not vital as there is a lack of people to work it and this area is a poorer part of the in-bye, and; it will also round off an existing group of development and was zoned in the previous Plan draft. • <u>Kearney Donald Partnership</u>: Seeks exclusion of land here because it is quality croft land and decrofting is unlikely to be successful. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • <u>R. Wright</u>: Extension to SDA. • <u>Kearney Donald Partnership</u>: Remove any development potential from land south of Woodend croft (implied). 		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u>: RETAIN ALLOCATION. Further commended SDA change below.</p> <p><u>Reasons</u>: This croft land is of good quality and of local importance. Therefore it is recommended that given there are suitable alternatives the majority of this land should be protected. However, given the clarification of the crofter's development and agricultural intentions it is appropriate to allow a small extension to the SDA but to retain the bulk of the field. The suggested extension is minor and rounds off an existing housing grouping. The loss of croft land is not significant in relation to the size of the unit which will continue to be worked. Formal consultation with the Crofters Commission at application stage would be appropriate to ensure these interests are given expert consideration.</p>		
Any Further Plan Changes Commended by THC		
ENLARGE SDA at south end to include minor suggested extension.		
Reporter's Conclusions		
I am aware that the local plan recognises the need to safeguard good quality and locally important agricultural and crofting land. It is also noted that there is large field to the south and west of the H3 site at Woodend South which comprises an area of good quality and locally important in-bye land. I consider that the vast majority of this field is worthy of protection and should be safeguarded from development by being excluded from the SDA. This would be in line with the intentions of General Policy 1 in the local plan. However, the		

south western end of the field, adjacent to the existing houses, is somewhat poorer in quality than the rest of the field. In my view, this part of the field offers an opportunity for some small scale and limited development associated with the existing dwellings. I also consider that the development of this small area of land adjacent to existing houses would assist in rounding off the boundary of this part of the settlement. I do not accept that the inclusion of such a limited area within the SDA would materially diminish the value of the substantially larger adjoining area of in-bye land to the area's crofting and agriculture interests. I conclude that it would be appropriate to modify the boundary of the SDA to include the small area of land adjacent to 'Beechwood'.

Reporter's Recommendations

I recommend that a minor modification should be made to the boundary of the SDA to include the small area of land to the rear of the property known as 'Beechwood', Woodend. This modification, which was agreed by the Council as being an appropriate extension to the SDA, is shown on the plan submitted by the Council in response to my request for further information.

Issue (ref and heading):	4. ARDGOUR - H4 East Parks	Reporter: Iain Lumsden
Development plan reference:	Ardgour H4 Text MB4 – Map LO1 MB 5	
Body or person(s) submitting a representation raising the issue (reference no.):		
Kearney Donald Partnership on behalf of Mr R. MacLean (406)		
Provision of the Development Plan to which the issue relates:	Housing Allocation	
Council's summary of the representation(s):		
Objects to reduction in area of land allocated for housing because a higher capacity would cross-subsidise sheltered housing and offset high servicing costs.		
Modifications sought by those submitting representations:		
Extension of H4 allocation or larger site and higher capacity on site H1.		
Summary of response (including reasons) by planning authority		
<u>Response(s)</u> : RETAIN ALLOCATION.		
<u>Reasons</u> : It is considered that an adequate housing land supply has been identified overall for Ardgour and Clovullin. The former allocation on adjoining land was deleted for landscape reasons due of the prominence issue caused by the levels difference from the road, along with the lack of trees to form a backdrop or soften the visual impact.		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
<p>This representation relates to a site adjacent to the B1 site which was previously identified as housing site H4 in the consultative draft local plan. This site was subsequently deleted by the Council in the deposit version of the local plan. I consider that because of the differences in height between the road and the proposed site, any housing built on this land would be prominently located and intrusive in an area of high landscape value. A housing development on the site would also in my view be unsympathetic to and out of character with the existing settlement pattern of the village. I have also been presented with no evidence which demonstrates that there is a deficiency of housing opportunities in Ardgour and Clovullin. Consequently, I do not believe that the case has been made for the inclusion of this site in the local plan for housing. I therefore agree with the Council that it would be inappropriate for this land to be allocated for housing or for the site to be included within the SDA. For similar reasons, I am not persuaded that there is any justification for extending the H4 housing site identified in the deposit version of the plan. This is the site that was previously identified as H5 in the consultative draft version of the plan.</p>		
Reporter's Recommendations		
No modifications.		

Issue (ref and heading):	5. ARDGOUR H5 - North Corran	Reporter: Iain Lumsden
Development plan reference:	Ardgour - H5 Text MB 4 – Map LO1 MB 5	
Body or person(s) submitting a representation raising the issue (reference no.):		
W. A. Macaskill (958)		
Provision of the Development Plan to which the issue relates:	Housing Allocation	
Council's summary of the representation(s):		
Disputes flood risk. Asserts that the site has never flooded in last 40 years and there are many worse areas in Lochaber.		
Modifications sought by those submitting representations:		
Removal of flood risk assessment requirement (implied).		
Summary of response (including reasons) by planning authority		
<u>Response:</u> RETAIN ALLOCATION and flood risk requirement.		
<u>Reasons:</u> The requirement is specified, in consultation with Scottish Environment Protection Agency (SEPA), for sites within or adjacent to a 1 in 200 year risk area not 1 in 40.		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
<p>I note that this representation disputes that the site is at risk from flooding. However, it would appear that at least the lower lying parts of the site have been identified by SEPA in their consultation response as being potentially at risk from flooding. While I can accept that there may be no evidence that within the last 40 or so years the site has been subject to any flood event, the requirement of government policy is that the planning authorities should base their consideration of areas at risk from flooding on the basis of the available information and calculations designed to identify those areas which may be liable to flood once in every 200 years.</p> <p>In the absence of any contrary information to refute the concerns expressed by SEPA regarding the possible risk of flooding of at least part of this site, I believe that the prudent course of action is for the reference in the plan regarding the need for a flood risk assessment to be undertaken prior to the submission of a planning application for the development of the site to be retained. If more up to date or improved information regarding the risk of flooding at the site is available before an application is submitted this can be taken into account by the Council in its consideration of the proposal.</p>		
Reporter's Recommendations		
No modifications.		

Issue (ref and heading):	6. ARDGOUR - B1 East of School	Reporter: Iain Lumsden
Development plan reference:	B1 East of School Text MB 4 – Map LO1 MB 5	
Body or person(s) submitting a representation raising the issue (reference no.):		
Kearney Donald Partnership on behalf of R. MacLean (406)		
Provision of the Development Plan to which the issue relates:	Business Allocation	
Council's summary of the representation(s):		
Objects to non-identification of land for housing. Wishes B1 to be integrated with land to east as a larger housing allocation.		
Modifications sought by those submitting representations:		
Change use of B1 to housing and re-allocate land to east for housing as an extension of allocation H4.		
Summary of response (including reasons) by planning authority		
<u>Response(s)</u> : RETAIN ALLOCATION.		
<u>Reasons</u> : Retention is appropriate to retain choice and flexibility in business land supply. There are adequate, allocated housing sites elsewhere in the village.		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
<p>I have dealt with the proposed use of the land to the east of the B1 site (i.e. the land covered by housing site H4 in the 2007 version of the deposit draft plan) under Issue 4 (Ardgour H4). As indicated previously, for reasons of potential visual impact and adverse effect on the character of the settlement, I do not consider that an enlarged site at this location would provide a satisfactory housing opportunity. In addition, I do not believe that it would be appropriate to remove the opportunity to provide for employment related uses to be accommodated on the smaller B1 site or for this allocation to be replaced with a housing use. There is a need to ensure that provision is made for a range of land uses within rural communities to encourage the creation of local job opportunities.</p> <p>It is my view that the plan already makes provision within the settlements of Ardgour and Clovullin for an adequate range and diversity of housing opportunities. In these circumstances, the re-allocation of the B1 site to housing use cannot in my opinion be justified. I believe that such a course of action would be detrimental to efforts to attract or retain employment related activities.</p> <p>I appreciate that there is an alternative business opportunity available in the settlement at the B2 site. However, both of the identified business opportunities are relatively small scale in nature and the B2 site is also constrained by the need for any development to achieve exceptional standards of siting and design. Given the strategic location occupied by the settlement at Ardgour/Clovullin, I consider it is important to retain some flexibility and choice in the supply of business land. I conclude that the B1 site should therefore be retained for business uses.</p>		
Reporter's Recommendations		
No modifications.		

Issue (ref and heading):	7. ARDGOUR - B2 Woodside	Reporter: Iain Lumsden
Development plan reference:	B2 Woodside Text MB 4 – Map LO1 MB 5	
Body or person(s) submitting a representation raising the issue (reference no.):		
<ul style="list-style-type: none"> • A. & C. Carmichael (546) • Kearney Donald Partnership on behalf of Mr R. MacLean (406) (this objection has been resolved for site B1 but is interdependent to the future of site B2 and has therefore been included) 		
Provision of the Development Plan to which the issue relates:	Business Allocation	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> • <u>A. & C. Carmichael</u>: Objections to development on the grounds of: inadequate access; greater traffic flow and the lack of a footpath through the village; the lack of mains drainage currently available in the village and therefore the potential negative environmental effect; adverse impact on biodiversity; any development would be contrary to the linear nature of the village; inadequate provision of affordable housing for local people, and; better alternative site exist where access and services are already available for example at North Corran. • <u>Kearney Donald Partnership</u>: Proposes a compensatory increase in this allocation to allow its client to pursue housing on another business allocation in the village. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • <u>A. & C. Carmichael</u>: Deletion of site (implied). • <u>Kearney Donald Partnership</u>: Suggests extension. 		
Summary of response (including reasons) by planning authority		
<u>Response(s)</u> : RETAIN ALLOCATION.		
<u>Reasons</u> : Amendments have already been made to address objectors' concerns and the site extended. Land at North Corran is either already allocated or lies within the SDA.		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
<p>I note that in the deposit version of the local plan the Council proposes to increase the extent of the land allocated for business purposes in site B2 from the 0.3ha shown in the draft plan to 0.7ha. The decision to increase the site was made in the face of the representations made against the proposed allocation on environmental and access ground. Given the sensitivity of this location within a nationally important designed landscape (Ardgour House); the value of the site to nature conservation; the relatively poor road access; and, the availability of another business opportunity (Site B1) within the settlement; I do not consider that the Council has provided a satisfactory justification for overriding the environmental concerns raised in the representations and significantly extending the site. The provision in a settlement of this size of two sites with a total of 0.6ha of land for business uses will in my view be more than sufficient to provide adequate choice and flexibility and meet the likely level of demand. I am also not persuaded that the inclusion of Developer Requirements regarding the need for exceptional quality of siting and design would overcome my concerns regarding the sensitivity of this site and the contribution it makes to the environmental quality of the area. I conclude that the B1 site should be reduced in extent to the size shown in the 2007 version of the deposit draft plan.</p>		
Reporter's Recommendations		
I recommend that the extent of the proposed business allocation B2 is reduced to the size previously shown in the 2007 version of the deposit draft plan (i.e. 0.3ha) and that the balance of the land should be excluded from the SDA.		

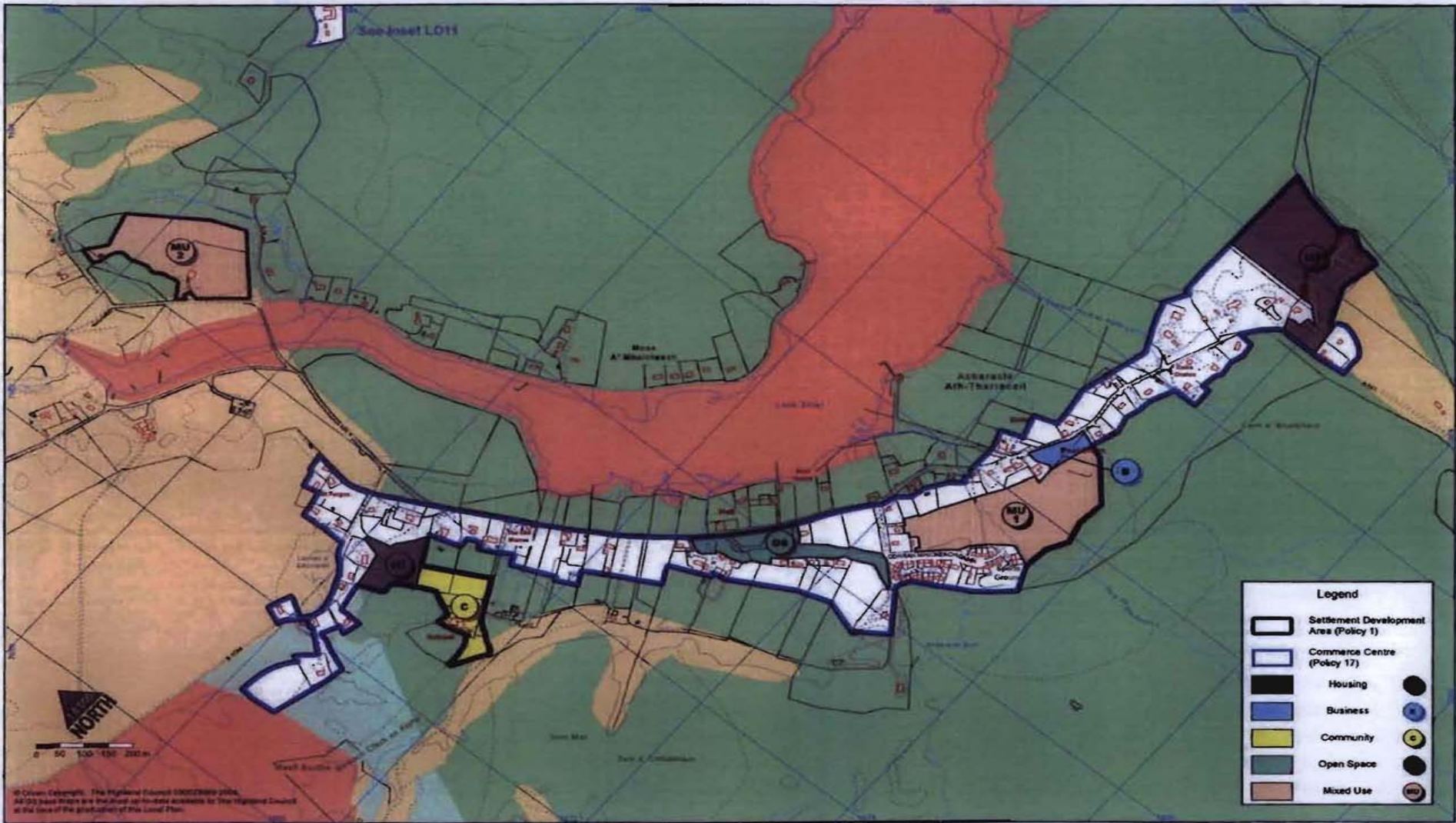
Issue (ref and heading):	8. ARDGOUR - MU South West Of School	Reporter: Iain Lumsden
Development plan reference:	Ardgour MU Text MB 4 – Map LO1 MB 5	
Body or person(s) submitting a representation raising the issue (reference no.):		
S. Deans (886), J. Motley (931)		
Provision of the Development Plan to which the issue relates:	Mixed Use Allocation	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> S. Deans: Objects to development because of: a fear of increased crime; the lack of pavements; worsening traffic safety; insufficient school capacity, and; insufficient elderly housing provision. Believes the allocation goes beyond meeting local need for additional houses. J. Motley: Would support a specific health centre proposal because the land is serviceable, there could be shared use of the car park, and there is a need for closer health care provision than Strontian or Fort William. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> S. Deans: Deletion of site (implied). J. Motley: More explicit support for health care use (implied). 		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u>: RETAIN ALLOCATION.</p> <p><u>Reasons</u>: This small mixed use site will not breach capacity limits and is allocated subject to appropriate requirements. A new health centre would be an acceptable use on this site but it has not been reserved exclusively for this purpose because there is no certainty over its provision.</p>		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
<p>The provision of facilities to serve the needs of the community in a settlement such as Ardgour/Clovullin is essential to its future well being and sustainable growth. It is therefore important for the local plan to identify and safeguard land that can provide the opportunity to provide such much needed local facilities. In the local plan a small site of some 0.4ha has been identified for Mixed Use close to the centre of Clovullin. The site is well located in relation to many of the existing and proposed dwellings in the settlement and it is also adjacent to the local primary school. I note that concern has been expressed that the site is not identified as being safeguarded for any specific purpose, such as a health centre. However, as there is currently no specific commitment to providing such a centre in the settlement it would be inappropriate at this stage to reserve it exclusively for such a use. The identification of the site for Mixed Use purposes would also offer a degree of protection against the land being developed solely for uses other than community facilities. I therefore conclude that the MU site should be retained.</p>		
Reporter's Recommendations		
No modifications.		

Issue (ref and heading):	9. ACHARACLE GENERAL	Reporter: Iain Lumsden
Development plan reference:	General Comment Text MB 6 – Map LO2 MB 7	
Body or person(s) submitting a representation raising the issue (reference no.):		
Highland & Islands Enterprise (HIE) (495)		
Provision of the Development Plan to which the issue relates:	General Comment	
Council's summary of the representation(s):		
<p>There should a specific allocation of viable land for business purposes in each of the main settlements, rather than assuming provision will fall within Mixed Use allocations. In particular further consideration should be given to allocating business land in Acharacle and other villages particularly where further housing provision is proposed, promoting sustainable communities.</p>		
Modifications sought by those submitting representations:		
A specific business allocation.		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u>: RETAIN BUSINESS AND OTHER ALLOCATIONS.</p> <p><u>Reasons</u>: The Council has now allocated a specific business site which provides land adjacent to existing businesses, and reserves an opportunity for road frontage. That is not to say that this is the only land that can be developed for business uses as there would still potentially be further opportunity within the mixed use allocation and the wider SDA.</p>		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
<p>This representation by HIE was initially made in respect of the provisions of the consultative draft local plan. Subsequently, in the deposit version of the plan the Council has agreed to allocate an area of some 0.5ha located to the west of the Post Office specifically for Business Use. This business allocation involves land which was previously within the MU1 area identified in the consultative draft plan. On the broader point made in this representation, I note that in addition to the identified business site the plan includes a further 10.1ha of land (within sites MU1 and MU2) on which business development would be acceptable in principle as part of a mixed use development. In my view, while these sites may not be identified exclusively for business uses they provide additional opportunities for the accommodation of business/tourist related activities within the settlement. In these circumstances, I consider that the plan provides an appropriate range of opportunities to accommodate business and tourist uses in support of the proposed additional housing sites in Acharacle.</p>		
Reporter's Recommendations		
No modifications.		

Issue (ref and heading):	10. ACHARACLE H1 - West of Medical Centre	Reporter: Iain Lumsden
Development plan reference:	H1 West of the Medical Centre Text MB6 – Map LO2 MB 7	
Body or person(s) submitting a representation raising the issue (reference no.):		
E. Gill (747)		
Provision of the Development Plan to which the issue relates:	Housing Allocation	
Council's summary of the representation(s):		
If this land fitted all the criteria for a burial ground, the local church congregation would prefer to see the land used for this purpose.		
Modifications sought by those submitting representations:		
Want burial ground safeguard. Objection to competing use (implied).		
Summary of response (including reasons) by planning authority		
<u>Response(s)</u> : RETAIN ALLOCATION.		
<u>Reasons</u> : The whole housing allocation is not necessary for extension to the graveyard so the reservation of land within it is sufficient. Also it is considered that this is an appropriate site for elderly amenity accommodation given its centrality to a larger community.		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
I note that the local plan indicates that the H1 site is intended to accommodate amenity housing (approximately 8 units), including the provision of housing for the elderly. However, the plan also recognises that some of the land within the site should be safeguarded to allow for the existing burial ground to be extended. The site extends to some 1.3ha and this is greatly in excess of the likely requirements for additional land for the graveyard. I therefore consider that the Council's approach to the dual use of this site in the plan is appropriate and I note that it does not preclude the expansion of the burial ground.		
Reporter's Recommendations		
No modifications.		

Issue (ref and heading):	11. ACHARACLE H2 - Ardshealach (Drumbeg)	Reporter: Iain Lumsden
Development plan reference:	H2 Ardshealach Text MB 6 – Map LO2 MB 7	
Body or person(s) submitting a representation raising the issue (reference no.):		
P. MacFarlane (786) B. Claussen (144) A. Tilling (721)		
Provision of the Development Plan to which the issue relates:	Housing Allocation	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> • <u>P. MacFarlane</u>: Objection to development because of the potential adverse impact on: the adjacent National Nature Reserve of Claish Moss; the time honoured Right of Way and access route from Acharacle to Polloch (designated Wider Access Network Path in the draft core paths plan); other environmental sensitivities (specifically the questions covered by questions 11, 12, 13 and particularly 18 and 19 of the site's strategic environmental assessment). Also believes there will be an adverse impact on wild, unique and wonderful area. The site's increased capacity will have an increased adverse impact. Also concern over the junction improvements as this will involve blasting rock that will affect objector's property. • <u>B. Claussen</u>: Doubts over the feasibility of the northern portion of the site north of the road (outwith objector's ownership) due to depth and movement of peat. Also believes that level of development would require footpaths into the village and pumping of sewage. • <u>Tilling</u>: Feels central sites within the village should be concentrated on. The impact of the road and the loss of trees are unacceptable. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • Tiling and P. MacFarlane request deletion of site (implied). • Claussen wishes land north of the track to be deleted from the allocation (implied). 		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u>: RETAIN ALLOCATION. See commended change below.</p> <p><u>Reasons</u>: The Council has already added developer requirements to address objectors' concerns in terms of pedestrian safety, flood risk, the right of way, woodland, amenity and setting. The post Examination SEA matrix will be updated to reflect the concerns expressed in relation to questions 11, 18, and possibly 19 (after consultation with our biodiversity officer). With regards to question 12 there is not any <i>designated wild land</i> nearby which is the interpretation of this question. Question 13 relates to <i>designated conservation areas</i> of which there are none. Connection to the main sewer will be sought in accordance with the Plan's General Policy on waste water treatment. If proposals are not expected to connect after assessment against this policy then they will be required to not result in significant environmental health problems and this may reduce the density of any proposal. The site capacity is erroneous and relates to a planning consent capacity that only covers part of the site.</p>		

Any Further Plan Changes Commended by THC
<p>The Reporter may wish to consider a higher capacity if the site is confirmed following Examination. THC considers that 25 units would be a more appropriate indicative capacity.</p>
Reporter's Conclusions
<p>It is noted that the stated area of H2 in the local plan has increased from 1.5ha to 5.3ha since the 2007 version of the deposit draft plan was produced. This significant extension to the site would require the SDA boundary to be redrawn. I am also aware that the proposed extension would involve the inclusion of an area of poor ground lying to the north of an access track which crosses the site. The proposed extension of the site would mean that development was planned for an area of boggy ground which is at risk from flooding. Furthermore, in my view this site lies within a relatively sensitive location. The site is within a candidate Area of Great Landscape Value; close to the boundary of a National Nature Reserve; and adjacent to an area of ancient woodland. Taking all these considerations into account, I consider that the extension of the site proposed by the Council would be inappropriate. In my opinion, the development of up to 25 houses on this site would also be out of keeping with the existing settlement form and character of the village. I am also concerned that the scale of housing proposed would have a detrimental impact on the appearance of the settlement. Consequently, I do not believe that the Council's proposal to allocate this site for up to 25 units should be supported. I would acknowledge that it may be possible to accommodate a significantly reduced development of approximately 8 appropriately sited and well designed houses on the land to the south of the track that crosses the site. I therefore conclude that the boundaries of the H2 site should be redrawn and that development should be restricted to the area south of this track and thus more closely reflect the boundaries of site H3 as identified in the 2007 version of the deposit draft plan.</p> <p>Notes:</p> <ol style="list-style-type: none"> 1. The text relating to the 'Developer Requirements' for this site states that a flood risk assessment will be required for any land within or adjacent to areas liable to flood in a 1 in 20 year flood event. This is incorrect. The reference should be to land subject to flooding in a 1 in 200 year flood event. 2. It should also be noted that the correct name of the adjacent National Nature Reserve is Claish Moss not Lelaish Moss as stated in the Council's summary of the representations set out above. In addition, in the Council's summary the site should be referred to as 'Ardshealach' not 'Ardshellach'.
Reporter's Recommendations
<ol style="list-style-type: none"> 1. I recommend that Table MB 6 in the local plan Inset Map Booklet should be modified to show the site area of H2 in Acharacle as '1.5ha' rather than '5.3ha'. The indicative capacity of the site in this table should remain at 8 units. In addition, the boundary of the Acharacle SDA in the Inset Map Booklet should be amended to reflect the reduced extent of the site and reflect the boundary of the H3 site in the consultative draft plan. 2. I recommend that the developer requirements relating to the H2 site should be amended to refer to a 1 in 200 year flood event and not to a 1 in 20 year.



Issue (ref and heading):	12. BALLACHULISH SOUTH - General Comment	Reporter: Iain Lumsden
Development plan reference:	Ballachulish General Text MB 8 – Map LO3 MB 9	
Body or person(s) submitting a representation raising the issue (reference no.):		
Ballachulish Community Council (43)		
Provision of the Development Plan to which the issue relates:	General Comment	
Council's summary of the representation(s):		
The Adopted Lochaber Local Plan included land allocated for housing at West Laroch in the vicinity of MacColl Terrace.		
Modifications sought by those submitting representations:		
Housing allocation at West Laroch (implied).		
Summary of response (including reasons) by planning authority		
<u>Response(s)</u> : NO CHANGE.		
<u>Reasons</u> : This land was not allocated due to land slip issues however it lies within the SDA so the principle of development is supported should these issues be overcome.		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
<p>It is noted that the land at West Laroch adjacent to MacColl Terrace was identified as a housing site in the adopted local plan. However, the Council has indicated that this land is subject to land slips and its development for housing is therefore problematic and significantly constrained. In these circumstances, I do not consider that it would be appropriate or prudent to identify the land as an effective housing opportunity in this local plan.</p> <p>The land lies within the defined SDA boundary for South Ballachulish and the principle of a housing development on the site would therefore be acceptable in broad terms. Consequently, if a developer can demonstrate that the problems associated with the land slips can be overcome the site could in due course be developed for housing. I conclude that the site should not be identified as a housing site in the local plan.</p>		
Reporter's Recommendations		
No modifications.		

Issue (ref and heading):	13. BALLACHULISH SOUTH - MU Former Station Yard	Reporter: Iain Lumsden
Development plan reference:	Ballachulish South - MU Text MB 8 – Map LO3 MB 9	
Body or person(s) submitting a representation raising the issue (reference no.):		
GL Hearn on behalf of Co-op (515), P. Connolly (883), Bruce & Neil on behalf of Mr Chisholm (51), M Sayers (890), K. Jones (899), Ballachulish Community Council (43)		
Provision of the Development Plan to which the issue relates:	Mixed Use Allocation	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> • GL Hearn: Wants a specific retail use recognition because of the extant consent and to ensure the continued vitality and viability of the centre and its role in the surrounding area. • Bruce & Neil: Objects to the allocation of this land for housing development and refer to the consent granted for retail. Their client wishes to retain the commercial use on this part of the site and he or others will apply for renewal on expiry of the current consent. • Ballachulish Community Council: Request that the new draft is amended to show the retail consent. • P. Connolly: Objects to access from Elizabeth Place because it is inadequate for increased traffic. • M Sayers: Would like an existing informal pathway to the medical centre to be kept accessible. • K. Jones: Believes access to the mixed use site should be via the existing Tourist Information Centre car park and not via the road from the goods yard to the rear of Elizabeth Place properties. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • Specific retail allocation for consented Co-op development. (GL Hearn, Bruce & Neil and Ballachulish Community Council) • Others want pedestrian connection to health centre retained and no vehicular connection from Elizabeth Place. 		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u>: RETAIN ALLOCATION. See commended changes below.</p> <p><u>Reasons</u>: The allocation has already been amended to reflect the retail consent which shows the access from the public road just north of the car park. Re-allocation for retail only is not appropriate in that the consent may lapse and other mixed use village centre opportunities should not be precluded. Similarly, although access to the retail consent will be from the north east, improvement to the western access is feasible and should not be ruled out. A general requirement to retain/improve pedestrian connections would be appropriate in active travel and sustainability terms.</p>		
Any Further Plan Changes Commended by THC		
ADD developer requirement for "pedestrian connection safeguards and improvement".		
Reporter's Conclusions		

This site was identified in the 2007 version of the deposit draft plan as a housing site (H1). The associated text in the plan stated that the acceptable use of the site would be amenity housing, including a reservation for housing for the elderly. In response to representations received and in recognition of the planning permission which had been granted for a retail development on part of the site, the Council has now identified the site in the 2008 version of the deposit draft local plan as a MU (mixed use) site. In addition, the associated text at MB8 explicitly states that the acceptable uses on the MU site would be amenity housing (including housing for the elderly) and retail. Furthermore, the Council has amended the local plan to identify the MU site together with a more extensive area of adjoining land to the south and east as the 'Commerce Centre' in South Ballachulish.

I consider that the steps the Council has taken clearly indicate that a retail development on at least part of the MU site would be consistent with the provisions of the local plan. Given the uncertainties associated with the delivery of a retail unit or other forms of development on the site, I believe that this is a reasonable approach for the Council to adopt. In my view, it would not be appropriate to exclude the possibility that other uses appropriate to a village centre could be developed on the site should the retail development fail to be implemented. It should also be noted that subject to part of the site being safeguarded for amenity housing (including provision of housing for the elderly), the plan places no specific limitation on the scale of comparison and convenience floorspace that can be provided within the settlement's identified 'Commerce Centre'. The possibility of a revised application with a somewhat larger retail store on the site would not therefore be precluded.

With respect to the comments expressed regarding the use of Elizabeth Place as an access to a retail development on the site, I have some sympathy with the concerns raised. While I would accept that this route could be used as a secondary or service access to such a development, I am not persuaded that it would be appropriate to allow this route to become the main access point to any retail units. I therefore consider that an additional Developer Requirement should be placed on the use of the site to ensure that the retail unit or units are accessed primarily from the north-east with only secondary access being allowed from the west.

I note that the Council has considered the concerns expressed regarding the need to retain pedestrian links to the medical centre. The Council has decided that an additional developer requirement should be imposed on the use of the site. I consider that this is an appropriate measure to include.

Reporter's Recommendations

1. I recommend that an additional Developer Requirement should be included with respect to the MU site which requires that: *"Any retail development must be accessed primarily from the north-east with only secondary access being permitted from the west at Elizabeth Place."*

2. I recommend that the additional Developer Requirement suggested by the Council should be also included. This would state that: *"The pedestrian connection to the Medical Centre is to be safeguarded and improved."*

Issue (ref and heading):	14. BALLACHULISH SOUTH – Settlement Development Area (SDA) - Land North of A82	Reporter: Iain Lumsden
Development plan reference:	Ballachulish South SDA Text MB 8 – Map LO3 MB 9	
Body or person(s) submitting a representation raising the issue (reference no.):		
L. Young (117), Highland & Islands Enterprise (HIE) (495)		
Provision of the Development Plan to which the issue relates:	SDA	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> L. Young: Requests inclusion of land on north side of the A82 near hotel for low scale, quality housing along with tourism-related development because this would be a logical extension of the settlement development area and claims that the local community Council would support it. Highland & Islands Enterprise (HIE): Suggests that subject to a flood risk assessment, consideration should be given to the scope for appropriate development on the headland to the north of the hotel, pier and car park. 		
Modifications sought by those submitting representations:		
Proposed extension to the settlement development area or mixed use allocation on land to north of A82.		
Summary of response (including reasons) by planning authority		
<u>Response(s)</u> : RETAIN SDA BOUNDARY for this part of settlement.		
<u>Reasons</u> : This land has been rejected for inclusion within the SDA because of the potential for adverse impact upon: the landscape quality and character of the Ben Nevis and Glen Coe National Scenic Area; existing semi-natural woodland cover; public views from the A82 and the local footpath network, and; the setting of the scheduled monument Fort Cnocan Dubh.		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
<p>I have assessed the suitability for development of the area of land which is the subject of these representations. The land in question is located to the north of the A82(T) and lies between the trunk road and Loch Leven. In my opinion, this land is in a visually very sensitive position and I have serious concerns that any development in this area would be visually prominent and obtrusive in the landscape. My reservations regarding the impact of any development at this location are reinforced by the fact that the site is readily visible in views from the trunk road towards the loch. I am also aware that the site is currently partly covered by semi natural woodland. These woodlands contribute to the attractive appearance of the area and I consider that it is likely that they would be detrimentally affected by development on the site. In my view, built development on the site would also adversely affect the overall landscape quality and appearance of the Ben Nevis and Glen Coe National Scenic Area, in which the site is located. I also believe that built development would have a detrimental impact on the setting of a Scheduled Ancient Monument (i.e. Fort Cnocan Dubh). Given the sensitivity of the site and the national significance of the landscape and archaeological resources, I find that it would be inappropriate to support development in this area that is likely to have an adverse environmental impact. Consequently, I conclude that the SDA should not be extended to include the land that lies between the A82 and Loch Leven in the vicinity of the hotel.</p>		
Reporter's Recommendations		
No modifications.		

Issue (ref and heading):	15. BALLACHULISH SOUTH – Settlement Development Area (SDA) - Rectory	Reporter: Iain Lumsden
Development plan reference:	Ballachulish South SDA Text MB 8 – Map LO3 MB 9	
Body or person(s) submitting a representation raising the issue (reference no.):		
C. Roberts (772), Ballachulish Community Council (43)		
Provision of the Development Plan to which the issue relates:	SDA	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> • C. Roberts: Wants land at Rectory to be endorsed for housing development because: it will promote good siting and design; there would be no adverse impact on the setting of the Rectory; it will have the advantage of better overlooking security for the church and the possibility of an increased congregation; it could meet local need for plots; the area is too large to maintain as a private garden, and; there is claimed support from community and servicing organisations. • Ballachulish Community Council: Support for housing development here as meeting local need. 		
Modifications sought by those submitting representations:		
Extension of SDA, new SDA or isolated housing allocation (implied).		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u>: NO CHANGE.</p> <p><u>Reasons</u>: Outline planning applications for 5 houses were submitted on this land and then subsequently withdrawn by C. Roberts in September 2007. The land is distant from any recognised settlement and any housing proposal should therefore be assessed against the Plan's Housing in the Countryside and other General Policies. The need for new or intensified trunk road access also militates against a more positive identification of development potential.</p>		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
<p>I consider that the land at the Rectory, which is the subject of these representations, is outwith any existing settlement and is located in the countryside. In these circumstances, I do not consider that it would be appropriate for the plan to identify this land as an allocated housing site or to include the area within an extended SDA for either Ballachulish South or Glenachulish. I agree with the Council that the appropriate course of action is for any proposals for housing on the site to be assessed against the local plan's general policy on housing in the countryside. While I appreciate that the need to provide additional housing for local people is an important issue. However, I believe that it is a problem that should be addressed through the allocation of an adequate supply of sites within existing settlements. I have no evidence to support the view that the housing land supply in Lochaber identified in the plan is insufficient or needs to be augmented to meet local needs.</p>		
Reporter's Recommendations		
No modifications.		

Issue (ref and heading):	16. BALLACHULISH SOUTH – Settlement Development Area (SDA) - West Harbour	Reporter: Iain Lumsden
Development plan reference:	Ballachulish South SDA Text MB 8 – Map LO3 MB 9	
Body or person(s) submitting a representation raising the issue (reference no.):		
Ballachulish Community Council (43)		
Provision of the Development Plan to which the issue relates:	SDA	
Council's summary of the representation(s):		
Ballachulish Community Council - understands that there is potential for housing development around the west harbour (at Lochside Cottages) and request that this is included in the new draft plan.		
Modifications sought by those submitting representations:		
Inclusion of more land within SDA or a specific housing allocation (implied).		
Summary of response (including reasons) by planning authority		
<u>Response(s)</u> : NO CHANGE.		
<u>Reasons</u> : The Council has already enlarged the SDA west of Lochside Cottages but restricted the area to that outwith the flood risk area and has made this subject to: avoiding the creation of new A82 accesses; to secure community access to boat launching and jetty facilities, and; to require an otter survey. Any further extension to the SDA or a specific allocation in this constrained location would not be appropriate.		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
Having visited the general area adjacent to the West Harbour and Lochside Cottages, I consider that the opportunities for any additional housing at this location are very limited and heavily constrained. My reasons for reaching this view are: 1. the proximity of the site to the A82; 2. the need to limit the increase in the level of traffic using the existing road junction onto the trunk road; 3. the location of the land within an area that has been identified as being at risk from flooding; 4. the very limited extent of land available for development; and, 5. the need to maintain access to the facilities located at the jetty. I do not therefore consider that it would be appropriate to either identify an additional housing allocation near the West Harbour or to extend the SDA boundary beyond the limits presently defined in the local plan.		
Reporter's Recommendations		
No modifications.		

Issue (ref and heading):	17. GLENACHULISH General	Reporter: Iain Lumsden
Development plan reference:	Glenachulish General Text MB 10 – Map LO4 MB 11	
Body or person(s) submitting a representation raising the issue (reference no.):		
Ballachulish Community Council (43)		
Provision of the Development Plan to which the issue relates:	General Comment	
Council's summary of the representation(s):		
Notes that there is the possibility of relocating the A82/A828 roundabout further west. Request that the furthest west that would be acceptable would be the western boundary of the area marked as MU1.		
Modifications sought by those submitting representations:		
Specific mapping notation or text to show location of relocated roundabout (implied).		
Summary of response (including reasons) by planning authority		
<u>Response(s)</u> : NO CHANGE.		
<u>Reasons</u> : The Council accepts that the roundabout position should not be moved further west than the western boundary of MU1. A specific location would be too prescriptive given the uncertainty over site layouts.		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
I consider that there remains a considerable degree of uncertainty over whether the roundabout at the junction of the A82 and the A828 will be relocated in the foreseeable future. Such a relocation would only be required if major developments occur on the land adjacent to the trunk road junction. The prospects of such large scale developments being implemented within the life time of this local plan must be remote. I also note that there is no indication that Transport Scotland accepts the principle that it would be appropriate to make alterations to the trunk road network at this location. Given the high level of uncertainty associated with this speculative proposal and the absence of any site layouts, I am not persuaded that it would be appropriate to identify a specific location for the possible relocation of the roundabout. I note that the Council has indicated that it agrees with the Community Council's representation that the roundabout should not be moved further west than the western boundary of the MU1 site. Given the uncertainties referred to above, I believe that little weight can be placed on the Council's statements on this issue. Taking all these matters into account, I can see no justification for making any change to the local plan in connection with this representation.		
Reporter's Recommendations		
No modifications.		

Issue (ref and heading):	18. GLENACHULISH - MU1 (West of A828), MU2 (East of A828) & MU3 (South of A82)	Reporter: Iain Lumsden
Development plan reference:	Glenachulish MU1, MU2 & MU3 Text MB 10 – Map LO4 MB 11	
Body or person(s) submitting a representation raising the issue (reference no.):		
G H Johnston on behalf of Laurence Young (510) Transport Scotland (859), J. McFatridge (797), P. McFatridge (798) L. Young (117)		
Provision of the Development Plan to which the issue relates:	Mixed Use Allocations	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> • L. Young: Requests extension of MU3 to north - no reasons. • G H Johnston - on behalf of Laurence Young: objects to any interdependency requirement between the sites. Requests deletion of development embargo wording that requires sites to be presented in a joint way. Wants higher housing density on MU2 up to 35 from 25 units. • Transport Scotland: Objection to safety of connection between local and trunk road network on MU2 due to visibility concerns at the junction with the A82(T). • J. McFatridge & P. McFatridge: Objection against development because of: adverse impact on the landscape; adverse tourism impact of poorer landscape, and; adverse consequences of this scale of tourism development would have on other business in this sector. There is also a lack of services and amenities in Glenachulish and a lack of supporting infrastructure. Any infrastructure improvements may also have an adverse impact. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • L. Young: Extension of MU3 to north • G H Johnston (510): Request deletion of development embargo wording unless sites presented in joint way. Want higher housing density on MU2 up to 35 from 25. • J. McFatridge & P. McFatridge: Deletion of sites (implied). 		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u>: RETAIN ALLOCATIONS. See further commended changes below.</p> <p><u>Reasons</u>: Mixed use is essential to ensure a sustainable balance of employment and housing opportunities and the commercial tourism potential of the sites justified their inclusion as mixed use sites. Any increase in housing capacity is opposed therefore. The Plan's stated developer requirements will minimise any adverse landscape impact. The formal interdependency requirement can be removed but if and when planning application(s) are submitted the accompanying master plan will need to explain how the site/series of sites will be developed, describing and illustrating the proposed urban form in three dimensions. It will also need to explain how that form will achieve the intended vision for the place, describing how the proposal will be implemented, and setting out the costs, phasing and timing of development. This is required because of the scale of these allocations, need for high quality design, and their impact within the Ben Nevis and Glencoe National Scenic Area. It will also serve to help communicate and engage the community on the details proposed. There are no known visibility standard issues with the</p>		

proposed access points shown but further commended changes will highlight the need for adequate trunk road access. The existing allocations are adequate and extension to the north of MU3 would be inappropriate because of the site's prominence, the likely loss of woodland and the very close proximity to the trunk road.

Any Further Plan Changes Commended by THC

DELETE paragraphs above and below MU3 allocation table but reject increased density. ADD developer requirements for "adequate trunk road access arrangements" for all sites.

Reporter's Conclusions

The MU1, MU2 and MU3 sites are located to the east of the small village of Glenachulish. The sites are located in prominent positions close to the junction of the A82(T) and the A828(T). The Ballachulish Bridge crosses Loch Leven just to the north of the sites. Site MU1 lies to the north of the A828(T) and between it and the loch. MU2 is located on the shore of Loch Leven mainly to the north of the A82(T) and the junction of the two trunk roads. MU3 is situated inland of MU1 and on the south side of the A82(T). The sites are all located within the Ben Nevis and Glen Coe National Scenic Area (NSA).

In assessing the suitability of the sites to accommodate the proposed significant levels of development, I consider that much of the land is in a visually very sensitive location. I have serious concerns that any extensive areas of built development on this land would be visually very prominent and obtrusive in the landscape. My concerns regarding the likely impact of any development is reinforced by the fact that the sites are readily visible from the trunk roads and in views from these roads towards the loch. The sites are also visible from the north side of Loch Leven and to traffic crossing the Ballachulish Bridge. Furthermore, I do not believe that the sites are well-contained visually. I therefore consider that any significant scale of development would have a significant adverse effect on the overall appearance and landscape quality of the area. It would also completely transform the character and appearance of the existing small settlement at Glenachulish.

The three MU sites taken together extend to a total area of some 13ha and the indicative housing capacity of the sites is stated in the plan to be approximately 100 units. I note that the Council has indicated in the plan that the development of the sites requires to be co-ordinated through the preparation of an overall 'masterplan'. In response to one of the above representations, the Council has indicated that it would now be prepared to remove any formal interdependency requirement regarding the development of the sites. Nevertheless, both individually and cumulatively the sites have the capacity to accommodate a substantial number of new houses together with other business or commercial uses. In my opinion, the proposed scale of development would have a significant adverse effect on the overall landscape quality and appearance of the Ben Nevis and Glen Coe National Scenic Area. It would also materially affect the character and appearance of the village. Given the overall attractiveness of the area, I believe that the detrimental impact on the NSA and the village are important considerations.

The NSA contains a landscape resource that is of national importance and which makes a significant contribution to the attraction of visitors and tourists to the area. In these circumstances, I do not consider that it is appropriate to allow development that is likely to be visually intrusive and detract from the appearance of the area. I also do not believe that the proposed developer requirements relating to the sites would be capable of satisfactorily mitigating these adverse impacts.

I appreciate that the additional housing is suppose to serve, at least in part, the proposed

major development area. However, it is interesting to compare the scale of development proposed in the context of the situation in the existing settlement. Glenachulish has a population of just over 100 and in the period between 2000 and 2006 only 3 new houses were built. The proposals for the MU sites envisage the building of up to 100 houses in a phased development over the next few years.

The settlement objectives for Glenachulish indicate that it is intended to consolidate the village within its 'natural limits' and to open-up a 'strategic tourist related development opportunity' at the intersection of the A82 and A828 trunk roads. In my view, what is proposed does not represent consolidation of the village but rather its prospective transformation. Given the 'strategic' nature of the proposal and its size, I have also considered whether this scale of development was envisaged in the structure plan or gains support from its policies. While I note that Policy T2 in the structure plan provides support in general terms for the provision of high quality tourism facilities, I find no reference to the need or opportunity to establish a major tourist facility in this location. Of more specific interest, I am also aware that Policy T6 indicates that the Council will protect important scenic views enjoyed from tourist routes and viewpoints. In addition, it is indicated that there will be "a presumption against development in narrow areas of land between roads and open areas of water". I consider that the circumstances referred to in this policy apply to at least two of the MU sites at Glenachulish. Drawing these matters together, I consider that the scale of development proposed is not envisaged in the structure plan and I believe that the development of the MU sites would not be consistent with the terms of Policy T6.

Given the above position, I do not consider it would be appropriate to support the extension of site MU 3 northwards towards the bridge. For similar reasons, I also do not believe that in planning terms it would be correct to increase the housing density on the MU2 site.

Taking all the above considerations into account, I believe that the development of the MU sites would have a significant adverse visual impact on an area of outstanding scenic quality area, which is a resource that it is highly valued by visitors and tourists. I also do not believe that the economic benefits which may arise from the proposals would outweigh the detrimental impact of developing the sites. Given the high sensitivity of the sites, the national significance and quality of the landscape resource and their prominent position relative to key tourist routes and the loch, I find that it would not be appropriate to allocate these sites as major development opportunities in the local plan. Consequently, I conclude that Sites MU1, MU2 and MU3 should be deleted from the plan and the land excluded from the SDA.

Reporter's Recommendations

I recommend that Sites MU1, MU2 and MU3 should be deleted from the plan and that the land within them should be excluded from the SDA.

Issue (ref and heading):	19. NORTH BALLACHULISH - Settlement Development Area (SDA)	Reporter: Iain Lumsden
Development plan reference:	North Ballachulish SDA Text MB 12 – Map LO5 MB 13	
Body or person(s) submitting a representation raising the issue (reference no.):		
Mr A Dykes (377), Highland & Islands Enterprise (HOE) (495)		
Provision of the Development Plan to which the issue relates:	SDA	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> • Mr A Dykes: Wants whole of croft at 9/10 Oldtown to be included within SDA because this would allow affordable family plots and lack of alternatives for family members. • Highland & Islands Enterprise (HIE): Consider there to be potential for two further small sites to be developed within the existing North Ballachulish Industrial Estate. One of these has been excluded from the SDA having been previously included and should be reinstated. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • Mr A Dykes: Extension of SDA to include whole of croft 9/10 in Oldtown. • Highland & Islands Enterprise (HIE): Extension of business allocation (area unclear). 		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u>: NO CHANGE.</p> <p><u>Reasons</u></p> <ul style="list-style-type: none"> • Mr A Dykes - the proposed extension at Oldtown crofts would have an adverse impact on local landscape character because it is not in keeping with the established crofting settlement pattern and will set a precedent that will increase pressure for similar incursions into the central in-bye land which would be detrimental to retention of locally important agricultural land. Moreover, no suitable existing access exists. • The Highland & Islands Enterprise (HIE) proposal, if it relates to the existing industrial estate, would be likely to impact upon the scheduled Moss area and should therefore not be supported. 		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
<p>Dealing firstly with the issue of the exclusion of the croft land at Oldtown from the SDA, I note that the text of the local plan (paragraph 5.11) clearly indicates that the safeguarding and promotion of crofting is a crucial element of preserving Lochaber's unique character. It is also stated in the plan that a key criterion in the identification of settlement boundaries is the quality of croft land. In addition, Policy 1 states that proposals will be assessed in terms of how compatible they are with the existing pattern of development in a settlement.</p>		

With respect to North Ballachulish, the settlement objectives set out at MB13 specifically recognise the need to protect the remaining area of common grazing. With respect to this representation, I consider that the in-bye land at Oldtown represents an area of locally important agricultural land. The development of this land for housing would in my view be out of character with the existing settlement pattern of the area. I also consider that development of the in-bye land would not be consistent with efforts to safeguard and enhance the landscape character and appearance of the Ben Nevis and Glen Coe National Scenic Area, which is a natural heritage resource of national importance. While I appreciate the need to meet local housing needs, I am not persuaded that this cannot be achieved on other sites in the village where development would be more consistent with its character and settlement pattern. I therefore conclude that the boundary of the SDA in the Oldtown area has been appropriately drawn and that the area of in-bye land should not be identified as an area where housing development would be supported.

In terms of the representation from HIE, on the basis of the information available to me, I consider that the development on the additional small areas of land adjacent to the existing Industrial Estate would encroach into the land designated as a Scheduled Ancient Monument (SAM). Scheduled monuments represent archaeological resources of national significance which should in general be safeguarded from development. In the particular circumstances of these two small areas of land, their development for business uses would require an intrusion into the designated area of the SAM and I do not believe that this is justified or acceptable. While it is unclear to me whether these small areas were or were not included in a previous version of the plan, given the information now available, I consider that it would be inappropriate to identify these small sites as potential development opportunities. Therefore, I conclude that the extension of the business allocation as suggested by HIE should not be supported.

Reporter's Recommendations

No modifications.

Issue (ref and heading):	20. NORTH BALLACHULISH - H1 Between North Ballachulish and Oldtown & H2 North of Loch Leven Hotel	Reporter: Iain Lumsden
Development plan reference:	North Ballachulish H1 & H2 Text MB 12 – Map LO5 MB 13	
Body or person(s) submitting a representation raising the issue (reference no.):		
<p><u>H1</u> - L. Stewart (421), P. and K. MacIntyre (431), L. Hannaford (448), W. MacPhee (645), Nether Lochaber Community Council (753) <u>H2</u> - A. Beech (198)</p>		
Provision of the Development Plan to which the issue relates:	Housing Allocations	
Council's summary of the representation(s):		
<p><u>H1</u>: Objections to development because of: excessive scale; lack of fit with settlement character; lack of identification of land for community playing field which adopted Lochaber Local Plan supported; loss of croft land; potential adverse impact on trees bordering site; loss of important habitat; lack of suitable waste water treatment facilities, and; potential adverse archaeological impact. <u>H2</u>: Request for better clarification of northern boundary, and need for strict archaeological supervision.</p>		
Modifications sought by those submitting representations:		
<p><u>H1</u>: Deletion or reduction of site (implied). <u>H2</u>: Clarification of boundary and better archaeological requirement.</p>		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u>: RETAIN BOTH ALLOCATIONS. See further commended change for H1 below.</p> <p><u>Reasons</u></p> <p><u>H1</u>: Developer requirements have been added to address objectors' material concerns. The scale of the development proposed has been reduced and an open space requirement has been added. Further developer requirements concerning the access arrangements, woodland retention/enhancement and the phasing of development have also been re-affirmed. These have been added to make explicit what will be expected of the developer. The developer will also need to produce a masterplan to explain how the site will be developed. This has been added as a requirement because of the level of development allocated and various issues such as woodland retention/enhancement, access arrangements and phasing which will need to be addressed. However it will also help communicate and engage the community on the details proposed. The requirement for a watching brief will be considered at the planning application stage. The density is appropriate to a village location. The Crofters Commission have not maintained their objection to this site. Enhanced sewage treatment capacity is proposed for the area albeit there is disagreement about the location of the plant. The potential for adverse protected species impact necessitates an additional developer requirement.</p>		

H2: The boundary and wording accords with the recent planning consent and the Council sees no reason for further amendment.

Any Further Plan Changes Commended by THC

H1: ADD developer requirement for “protected species survey”.

H2: None.

Reporter’s Conclusions

H1: This site is already identified as a housing site in the adopted local plan. I am also aware that the indicative capacity of the H1 site has been reduced from 40 units in the 2007 version of the deposit draft plan to 30 units in the present version of the plan. The reduced density of development now proposed is in my view more appropriate to a site in this location. In general terms, I consider that although the site is in a potentially sensitive area it is relatively well contained in visual terms and I believe that its development would not have a significant adverse effect on the character of the settlement. Given the attractive appearance of the village and its location within the Ben Nevis and Glen Coe National Scenic Area (NSA) this is an important consideration. While I appreciate the concerns raised in the representations many of the points raised relate to detailed matters that can more appropriately be addressed at the stage when planning applications for the development of houses on the site are made. I also note that in an attempt to address some of the concerns expressed, the Council has added a developer requirement emphasising the need for the provision of open space and for woodland retention and enhancement to be undertaken as part of the overall development of the site. Provide that these requirements are met, I do not believe that housing development on the site at the density now proposed would significantly detract from the amenity or appearance of the settlement or be detrimental to the overall landscape quality of the NSA.

However, I do have serious concerns regarding the inclusion in the local plan of the Long Term (LT) site. This site, extending to some 6.4ha, adjoins the H1 site to the north and east. The site would therefore have the capacity to accommodate a substantial number of houses together with other uses. In my opinion, the cumulative scale of the overall level of development implied by the inclusion of this longer term site together with the H1 site would have a significant adverse effect on the character and appearance of the village and be detrimental to the landscape quality and appearance of the NSA. Given the national importance of this landscape resource and the contribution it makes to tourism in the area, I am not persuaded that the LT site should be identified as a long term housing opportunity at this stage. The existing land supply of some 35 units is more than adequate to meet the housing needs of a settlement the size of North Ballachulish, which in the period 2000-2006 saw the completion of only 3 houses. In addition, given that the long term site could only be developed in conjunction with the provision of an access through the H1 site, I believe that it would be more appropriate to consider the longer term housing options for the village once the development of the H1 site has been substantially completed. I find that the identification of the LT site as a longer term option at this stage is both unnecessary and premature. I therefore conclude that the H1 site should be retained in the local plan and that the long term (LT) site should be deleted.

H2: In terms of the H2 site, the Council has submitted a plan indicating the extent of the land that was granted planning permission for the erection of 5 houses in June 2008. I also note that this site was included in the adopted local plan as a housing opportunity for 5 units. Although the Council has stated that the boundary of the H2 site in the present local plan accords with the recent planning permission, I consider that there is a minor difference between the boundary of the consented area and the one shown in the local plan. The H2

area in the local plan includes a small triangular area of ground in the northern corner which is occupied by an existing house (Loch Leven Cottage). Apart from this minor drafting error, the H2 site shown in the local plan generally reflects the area included in the adopted plan and the site granted planning permission. I consider that given its location within the village that the site represents a suitable housing opportunity provided that the potential contamination issue, which is highlighted in the developer requirements for the site, can be satisfactorily resolved. The other matters raised in this representation constitute matters of detail which it is not appropriate to deal with through the local plan process. I conclude that the H2 site should be retained in the local plan subject to a minor modification to the boundary to remove the land already occupied by an existing dwelling.

Reporter's Recommendations

H1: I recommend that the H1 site should be retained in the local plan and that the plan should be modified by deleting the adjoining Long Term (LT) site.

H2: I recommend that the H2 site should be retained, subject to the redrawing of the boundary to exclude the land in the northern corner presently occupied by an existing dwelling.

Issue (ref and heading):	21. NORTH BALLACHULISH - B Adjoining the Business Park	Reporter: Iain Lumsden
Development plan reference:	North Ballachulish B Text MB 12 – Map LO5 MB 13	
Body or person(s) submitting a representation raising the issue (reference no.):		
H. Cameron (364), L. Hannaford (448), C. Hannaford (659)		
Provision of the Development Plan to which the issue relates:	Business Allocation	
Council's summary of the representation(s):		
Objections because of: noise pollution; adverse scheduled monument impact; property depreciation, and; inadequacy of the existing access.		
Modifications sought by those submitting representations:		
Deletion of site (implied).		
Summary of response (including reasons) by planning authority		
<u>Response(s)</u> : RETAIN ALLOCATION.		
<u>Reasons</u> : The material concerns of nearby residents have already been addressed by adding requirements for a 10m set-back from scheduled Moss and restricting uses to those compatible with residential properties adjacent. It is sustainable in travel terms to identify land that can be used for local employment and fits with Highland & Islands Enterprise's (HIE) aspirations on this issue.		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
<p>The local plan proposes to make provision for new employment opportunities in the settlement through the allocation of additional land at Site B, which is adjacent to the existing industrial units. In my opinion, subject to appropriate conditions being in place, the proposed location is in local planning terms a logical and reasonable choice for such a use. I note that the developer requirements for this site, set out at MB12, state that use of the site would be restricted to those land uses that are compatible with the adjacent residential properties. For the avoidance of doubt, I consider that it is important to ensure that this requirement relates specifically to the site being used only for land uses that fall within the definition of Class 4 Business Use. This would permit only those activities, such as office use, research and development activity or light industry, which the planning system considers can be undertaken within a residential area without detriment to the amenity of the area. That is to say there should be no nuisance to surrounding properties in terms of noise, vibration, smell, fumes, smoke, dust or grit.</p> <p>In addition, I consider that it is important that the developer requirements for the site should be strengthened to include the need for the provision of a landscaping screen between the business site and the adjoining residential properties in order that any visual impact is</p>		

mitigated. I note that the council has also indicated in its response to these representations that a 10 metres setback should be imposed from the scheduled area to protect the archaeological resources of the Scheduled Ancient Monument. Provided that these safeguards are in place, I believe that the site can satisfactorily accommodate the business use proposed with minimal impact on the neighbouring residential properties.

Reporter's Recommendations

I recommend that additional developer requirements should be attached to Site B stating that:

1. The site is used only for Class 4 Business uses;
2. Prior to any development a landscape screen is planted between the residential properties and the business site; and
3. The boundary of the business site is set back a minimum of 10 metres from the edge of the scheduled area associated with the adjacent Scheduled Ancient Monument.

Issue (ref and heading):	22. GLENCOE Settlement Development Area (SDA)	Reporter: Iain Lumsden
Development plan reference:	Glencoe Settlement Development Area (SDA) Text MB 14 – Map LO6 MB 15	
Body or person(s) submitting a representation raising the issue (reference no.):		
A. MacDonald (19)		
Provision of the Development Plan to which the issue relates:	Settlement Development Area (SDA)	
Council's summary of the representation(s):		
<p>On this piece of land was a ruined Dorrans house, which the trust demolished, and reapplied for planning permission for one house site. As the planning application was being processed it became obvious that this piece of land would easily accommodate two houses, and if ever the trust sold it as a one house site the owners could then cash in and sell a plot for a second house. There is development for four houses currently taking place some 50 yds away, which means the road will be upgraded to accommodate this development.</p>		
Modifications sought by those submitting representations:		
Extension of SDA (implied).		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u>: NO CHANGE.</p> <p><u>Reasons</u>: The Council believes the area of land the objector requests to be included is already included within the SDA and benefits from a planning consent. There is a planning consent for 2 houses west of site H4 within the current SDA boundary. Any further extension would not be appropriate given the potential adverse impact on woodland and due to inadequate road access.</p>		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
<p>On the basis of the information available to me, it would appear that the site which is the subject of this representation is already included within the Glencoe SDA. In these circumstances, the detailed matters raised regarding the specific form of development that could be accommodated on the site, can more appropriately be dealt with through the council's development management process. It is unnecessary and inappropriate for such detailed matters to be addressed in the context of the local plan process.</p>		
Reporter's Recommendations		
No modifications.		

Issue (ref and heading):	23. GLENCOE H3 - South of Filling Station	Reporter: Iain Lumsden
Development plan reference:	H3 South of Filling Station Text MB 14 – Map LO6 MB 15	
Body or person(s) submitting a representation raising the issue (reference no.):		
G. and I. McTaggart (620)		
Provision of the Development Plan to which the issue relates:	Housing Allocation	
Council's summary of the representation(s):		
Objection to loss of actively worked croft land. The land is owned and worked by objectors' family.		
Modifications sought by those submitting representations:		
Unclear.		
Summary of response (including reasons) by planning authority		
<u>Response(s)</u> : NO CHANGE.		
<u>Reasons</u> : The Council believes the H3 allocation is owned by H. MacColl but that the land between the hotel and H3 is crofted and possibly owned by Gwen and Ian McTaggart. Their reasons for objecting are unclear but an access to H3 may not need to cross their land or would not have a significant adverse impact on their crofting operations if it did. The Council has deleted any indicative access crossing their land to allow for negotiation of a mutually acceptable solution between the land interest parties.		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
<p>There appears to be some confusion and possibly a dispute over the ownership and control of the parcels of land in the vicinity of the H3 site. On the basis of the information provided by the council, the H3 site would appear to be outwith the ownership and control of the individuals making this representation. It would appear that they own the small parcel of land that lies immediately to the west of the H3 site. No substantive grounds were submitted in support of this representation, other than concerns over the ownership of the land and a desire to see it continue in crofting use. I consider that housing is a suitable and acceptable use for the land. In any event, if the individuals making the representation do indeed own the H3 site the local plan places no obligation on them to develop the land for housing if they remain opposed to its loss from crofting use.</p> <p>As indicated in Issues 101 and in 111 in relation to General Policy 10, those promoting new development adjacent to a trunk road will require to justify the setting aside of Transport Scotland's policy presumption against creating new accesses onto trunk roads. The H3 site at Glencoe was one of the sites identified in Transport Scotland's objection which falls into this category. The site will therefore require an additional developer requirement which indicates that: "<i>Where a new junction onto the trunk road is proposed in order to gain access to the site, a justification will have to be provided confirming why the presumption requires to be set aside.</i>"</p>		
Reporter's Recommendations		
I recommend that an additional developer requirement should be attached to the H3 site stating: " <i>Where a new junction onto the trunk road is proposed in order to gain access to the site, a justification will have to be provided confirming why the presumption requires to be set aside.</i> " .		

Issue (ref and heading):	24. KINLOCHLEVEN - H2 Foyers Road	Reporter: Iain Lumsden
Development plan reference:	Kinlochleven H2 Text MB 16 – Map LO7 MB 17	
Body or person(s) submitting a representation raising the issue (reference no.):		
Ms S. Scott (163)		
Provision of the Development Plan to which the issue relates:	Housing Allocation	
Council's summary of the representation(s):		
Objects to: loss of daylight, loss of views and privacy; inadequate car parking for local people, and; traffic safety issues due to loss of parking.		
Modifications sought by those submitting representations:		
Deletion of site (implied).		
Summary of response (including reasons) by planning authority		
<u>Response(s)</u> : RETAIN ALLOCATION.		
<u>Reasons</u> : Amendments have already been made to safeguard and rationalise parking and to half the site's capacity from 10 to 5 units. The site boundary has not been reduced as this may prejudice layout options.		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
<p>This site lies within an established residential area and it is currently in use as a public parking area. I also note that the site is already allocated for housing in the adopted local plan. I appreciate that the adjacent streets are somewhat narrow and that there may on occasions be on-street parking difficulties in the general area of the site. However, I believe that the site offers the potential to contribute to the provision of additional housing units and that the principle of a residential development on the land would be generally consistent with the local plan objectives for Kinlochleven. These objectives indicate that the long term regenerating of the settlement should continue through the development and redevelopment of infill and gap sites. This site presents such an infill development opportunity.</p> <p>Detailed matters regarding the possible loss of daylight, privacy and car parking are issues that can be addressed at a later stage when a planning application for a specific form of development on the site is made. However, I note that the council has recognised the concerns raised in this representation by reducing the indicative capacity of the site from 10 units to 5 units and by including a developer requirement regarding the need to safeguard a suitable level of public car parking within the site. I consider that these changes should assist in minimising any adverse impacts that may arise from new housing on the site.</p>		

On a separate matter, SEPA has raised concerns regarding the importance of providing satisfactory arrangements for the treatment of foul drainage. SEPA emphasised that potential developers should be made aware that a connection to the public sewer will be required for new developments within existing settlements. The general policy issue relative to waste water treatment is dealt with under Issue 101 in this report. Because of its concerns on this matter, SEPA indicated in its initial representations on the local plan that it objected to the identification of a number of sites, including Sites MU1, MU2, H1, H2, H3 and C1 in Kinlochleven. SEPA has subsequently indicated that it would be prepared to withdraw these objections provided a developer requirement is attached to each of these sites stating that the development will be connected to the public sewer. As this site is one of the sites identified by SEPA, an additional developer requirement regarding the need for a public sewer connection will require to be attached to the site.

Reporter's Recommendations

I recommend that an additional developer requirement should be attached to the H2 site which states that: *"Any development on the site should include a connection to the public sewer where it is technically and economically feasible to make a connection."*

Issue (ref and heading):	25. KINLOCHLEVEN H3 - Wades Road	Reporter: Iain Lumsden
Development plan reference:	Kinlochleven H2 Text MB 16 – Map LO7 MB 17	
Body or person(s) submitting a representation raising the issue (reference no.):		
M. MacSween (271), J. & E. MacLean (657), Mr A. Blair (658)		
Provision of the Development Plan to which the issue relates:	Housing Allocation	
Council's summary of the representation(s):		
Objections because of: high water table; adverse impact on habitat for wildlife; existing surface water drainage problems; loss of pathway and privacy; the site's proximity to the sub station, and; the lack of local employment.		
Modifications sought by those submitting representations:		
Deletion of site (implied).		
Summary of response (including reasons) by planning authority		
<u>Response(s)</u> : RETAIN ALLOCATION.		
<u>Reasons</u> : The site's developer requirements have already been amended to recognise objectors' concerns by requiring open space provision and to safeguard/enhance pedestrian connections.		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
<p>I note that the site which is the subject of these representations is already allocated for housing in the adopted local plan. The land lies to the rear of existing houses and comprises an area of scrub woodland at the foot of rising ground. In my opinion, the site offers the potential to accommodate a small scale, well designed, infill housing development. I am aware of the concerns expressed by local residents regarding the possible adverse impacts on their properties. However, I believe that many of the potential issues referred to can be dealt with at a later stage in the planning process. Issues such as the water logged nature of parts of the site, the potential of flooding affecting adjacent properties, access to the countryside and the provision of a children's play facilities are matters that can only properly be addressed when a planning application is submitted for a specific form of development on the site. I do not consider that any of the matters which have been referred to raise fundamental problems that cannot be satisfactorily addressed or are of such significance that they would require the deletion of the site from the plan. I conclude that the H3 site should be retained in the plan.</p> <p>On a separate matter, SEPA has raised concerns regarding the importance of providing satisfactory arrangements for the treatment of foul drainage. SEPA emphasised that potential developers should be made aware that a connection to the public sewer will be</p>		

required for new developments within existing settlements. The general policy issue relative to waste water treatment is dealt with under Issue 101 in this report. Because of its concerns on this matter, SEPA indicated in its initial representations on the local plan that it objected to the identification of a number of sites, including Sites MU1, MU2, H1, H2, H3 and C1 in Kinlochleven. SEPA has subsequently indicated that it would be prepared to withdraw these objections provided a developer requirement is attached to each of these sites stating that the development will be connected to the public sewer. The council has agreed to incorporate this additional requirement into the plan. As this site is one of the sites identified by SEPA, an additional developer requirement regarding the need for a public sewer connection should to be attached to the site.

Reporter's Recommendations

I recommend that the H3 site be retained in the local plan and that an additional developer requirement be attached to the site which states that: *"Any development on the site should include a connection to the public sewer where it is technically and economically feasible to make a connection."*

Issue (ref and heading):	26. ONICH H - Former Garage	Reporter: Iain Lumsden
Development plan reference:	Onich H Text MB 18 – Map LO8 MB 19	
Body or person(s) submitting a representation raising the issue (reference no.):		
Mr A. Campbell (240) and Transport Scotland (859)		
Provision of the Development Plan to which the issue relates:	Housing Allocation	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> • Mr A. Campbell: Objects to the lack of clarity in Council's position. He was notified by the Council's development management case officer that outline permission had been granted for the development, subject to the condition that "the access to Camus House and Garage House should not be taken through the proposed car park unless otherwise first agreed in writing by the Planning Authority." Subsequently he noted that the West Highland and Island Local Plan Report on Recommendations Received states that "Prior to details being submitted it would be inappropriate for the Local Plan to support the principle of development." These statements appeared to be contradictory and he was concerned because the condition relating to access has not yet been discharged. • Transport Scotland: Objects to the site because of inadequate trunk road junction visibility. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • Mr A. Campbell: Unclear. • Transport Scotland (859): Deletion of site. 		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u>: RETAIN ALLOCATION.</p> <p><u>Reasons</u>: There is no contradiction between the local plan content and the planning consent issued for the site. To further clarify, the report referred to was also considering another representation. The part of the response which suggests that, "Prior to details being submitted it would be inappropriate for the Local Plan to support the principle of development" relates to another representor. It is the principle of the proposed extension that was not confirmed in the Local Plan as it would be subject to an Appropriate Assessment to consider whether there would be significant impacts on the integrity of the SAC. The condition on the planning consent relating to the access is unaffected and will need to be met before it is discharged. The site already has planning consents. The relevant conditions attached to the consents are listed below.</p> <p><i>No works shall commence on site until full details of an amended access and car parking layout has been submitted to and approved in writing by the Planning Authority. Such details shall show a single access onto the trunk road with a shared driveway to Camus House and Garage House, and a separate spur into the car park with the car park position and layout adjusted accordingly. The access to Camus House and Garage House should not be taken through the proposed car park unless otherwise first agreed in writing by the Planning Authority.</i></p>		

Thereafter, prior to the commencement of works on the foundations of the proposed house the improved vehicular access, proposed car park and new driveway shall be fully formed in accordance with the approved details.

The proposed access shall join the trunk road at a new junction which shall be constructed by the applicant to a standard as described in the Department of Transport Advice Note TA 41/95 (Vehicular Access to All-Purpose Trunk Roads)(as amended in Scotland) complying with Layout 3 (the layout will be similar to layout 8). The junction shall be constructed in accordance with details that shall be submitted to and approved by the Planning Authority, after consultation with the Roads Authority, before any part of the development is commenced.

Any Further Plan Changes Commended by THC

None.

Reporter's Conclusions

I note that the representations submitted by Mr A Campbell (240) has been withdrawn as he is now satisfied that the proposed access arrangements to the H1 site, which the council has agreed with the proposed developer, are acceptable to him and address his concerns regarding the impact on the access to his property at Camus House.

With respect to the representations from Transport Scotland, it is clear that it has concerns over the ability to form a satisfactory access onto the trunk road from this site. I note that the council has imposed planning conditions on the permissions that have been granted for the site which require that: (i) detailed proposals for the access are to be the subject of further approval; and, (ii) the junction must comply with the appropriate standards for vehicular accesses onto a trunk road. As discussed in Issues 101 and 111, Transport Scotland operates a policy presumption against the creation of new accesses onto the trunk road network. However, in terms of the local plan it is considered important to take account of the situation in the Highlands where many settlements straddle a trunk road. It is therefore proposed that where developments necessitate the creation of a new junction, developers will be required to provide a justification for setting aside the general presumption against such works. Consequently, a developer requirement should be added to this site requiring the provision of a justification for the setting aside of the presumption against new junctions onto trunk roads. It would state: *"Where a new junction onto the trunk road is proposed in order to gain access to the site, a justification will have to be provided confirming why the presumption requires to be set aside."*

A further developer requirement is also required indicating that it will be necessary for any new junction created to satisfy the appropriate standards for trunk road junctions.

Reporter's Recommendations

I recommend that the H site at Onich should be retained in the plan, subject to the inclusion of additional developer requirements which state that: (i) *"Where a new junction onto the trunk road is proposed in order to gain access to the site, a justification will have to be provided confirming why the presumption requires to be set aside."*; and, (ii) *"The access from the site onto the A82 must conform to the standards required by Transport Scotland for junctions onto a trunk road."*

Issue (ref and heading):	27. INCHREE - MU North of the River Righ and H South of River Righ	Reporter: Iain Lumsden
Development plan reference:	Inchree MU & H Text MB 20 – Map LO9 MB 20	
Body or person(s) submitting a representation raising the issue (reference no.):		
<ul style="list-style-type: none"> • <u>Objections to previously allocated housing sites:</u> M Mackie (263), I A and A M MacFadyen (422), A.Foster (525), J. Boustead (596), I A MacFadyen (607), Swingler (608), S. MacKintosh (691) • <u>Objections to MU North of River Righ:</u> Nether Lochaber Community Council (753) Haynes (210), S. Duff (296), S. & J. Morrow (554), M. MacNeil (613), S. Green (656), T. & E. Cameron (660), C. Fleming (966), L. Stewart (421), A MacDonald (299), A. and J. Gibb (524) • <u>Specific Objections to H South of River Righ:</u> L. & C. MacInnes (974) 		
Provision of the Development Plan to which the issue relates:	Mixed Use and Housing Allocations	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> • <u>General objections</u> to development because: the proposals are not financially feasible; it will upset the social balance of the community; of a lack of market demand; of insufficient capacity of local infrastructure; of unclear traffic priority; of the need for an unprogrammed upgrade of the A82; it will cause increased commuting on the 'dangerous' A82; of the lack of public transport; of adverse impact on access / right of way; of adverse impact on pedestrian safety; of loss of views and habitat; of adverse impact on rare species; the development will be contrary to the established settlement pattern; of the loss of a peaceful rural character; the proposals are of an excessive scale and density; of a loss of tourism due to other adverse impacts; of pluvial and fluvial flood risk; the proposals are contrary to other Plan objectives; of the lack of community facility capacity (e.g. no local school), and; of loss of daylight and privacy. Community really needs a playing field, hall and changing facilities. • <u>Specific objections to MU:</u> Because of: a concern that the open space shown is too formal; the single track road through the village being unsuitable without substantial widening, and; concern that the widening of the village road would result in a loss of roadside trees and parking. Also concern over the adverse impact of light industrial units. • <u>Specific objections to H:</u> Because of loss of natural woodland, rare orchids and sphagnum moss plus intrusion into the SAC heritage designation. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • Majority object to scale and density rather than opposing principle of some development. • L. and C. MacInnes seek the deletion of the southern part of H South of River Righ allocation to west of existing houses. 		
Summary of response (including reasons) by planning authority		
<p><u>Response(s):</u> RETAIN ALLOCATIONS.</p> <p><u>MU</u></p> <p><u>Reasons:</u> The Council has already reduced and re-phased the capacity of allocated land. Additional developer requirements have also been added to address local concerns in terms of master planning, phasing and community use. In terms of access, the Council's position is that a new trunk road access should be created to serve H and MU rather than increasing the traffic using the existing junction. The scale of the development proposed has been a feature in a lot of comments in combination with the effect this increase may</p>		

have on existing infrastructure and the community itself. In addressing these issues it has to be recognised that the costs involved in creating a new trunk road access and to cross the River Righ are significant.

The Council has had to combine the need for phasing with a realistic approach to assessing the effectiveness of these sites for housing bearing in mind the significant upfront infrastructure costs. With this in mind, 55 houses have been allocated in Inchree to limit development within this Local Plan period. It is recognised that the developer will need some certainty but this needs to be phased for the longer term to control development to a suitable pace. Although the financial cost of a safer junction onto the A82 is not a justification for a larger scale of development within the village, a 16 house development would not lever the finance necessary to construct such a junction and connecting road.

In the absence of Scottish Government funding to resolve what is an existing deficiency then the choices are no development or a level of development that finances a solution to the village's access needs. The intended developer has advised the Council of their discussions with the Trunk Roads Authority over the new access. The outcome being the access position reflected in the Local Plan where the necessary sight lines and a right hand turning lane can be achieved. Some design work has also been undertaken to consider the road construction on the more sensitive sections of the road to ensure the hydrological integrity of adjacent ground and the flow of ground water to and from the SAC site. Additionally discussions with Scottish Water are beginning and where the developer can meet certain criteria Scottish Water intend to assist development by increasing capacity where feasible. One of the key criteria is allocation within the development plan.

The Council believes that such a significant established village should be allowed to grow in a planned way rather than allow development pressure to be dispersed in an ad-hoc manner to the surrounding countryside. There needs to be additional developer requirements to stipulate phasing within the Local Plan period, along with the safeguarding of land for community and business use within a mixed use allocation. These adjustments have been made to make explicit what will be expected of the developer.

The developer will also need to produce a masterplan to submit with planning application/s for the development of MU and H. The master plan will need to explain how a site or series of sites will be developed, describing and illustrating the proposed urban form in three dimensions. It will explain how that form will achieve the intended vision for the place, describing how the proposal will be implemented, and setting out the costs, phasing and timing of development. This has been added as a requirement because of the level of development allocated on MU and H and will also help communicate and engage the community on the details.

The mixed use nature of the allocation allows the prospect of local employment and therefore commuting may not necessarily increase. Many housing allocations are made in Fort William. It is most likely that business uses will be tourist related and would require to be compatible with adjacent uses. Further and more explicit developer requirements are suggested to pick up outstanding objectors' concerns.

H

Reasons: This site will also need to be part of the master planning exercise. This allocation was amended to take account of the impact on the SAC and to ensure that this is an acceptable impact on the oak woodland interest. Further and more explicit developer requirements are suggested to pick up outstanding objectors' concerns.

Any Further Plan Changes Commended by THC

MU: ADD developer requirements for “otter and other protected species survey”, “net betterment of surface water drainage” and “upgrade of waste water treatment capacity”.

H: ADD developer requirements for “otter and other protected species survey”, “net betterment of surface water drainage” and “upgrade of waste water treatment capacity”.

Reporter’s Conclusions

General Objections: A number of local residents and a village action group have expressed great concern about the scale of development proposed in the plan for Inchree. These concerns relate amongst other things to the impact the proposed large number of new houses would have on the character and appearance of the village; the impact of development on amenity; the effect of increased traffic on the narrow access road serving the village; and, the loss of important wildlife habitats. Mention has also been made of matters such as the loss of views, the impact of development on privacy, the problems of overlooking, the proposed high density of development, the impact of development on footpaths and rights of way, and the risk of flooding. Many of the points raised relate to matters that can best be dealt with when detailed proposals for the new developments are made. In the local plan the focus has to be on the acceptability or otherwise of the principle of housing or business uses on the village. The detail consideration of development proposals is left to the development management process and the consideration of planning applications. I will address the key concerns raised above in my consideration of the representations made on the H and MU sites.

MU Site: The acceptable uses for this site are indicated to be housing, community uses and business developments. The site extends to some 3.7ha and the indicative housing capacity is stated to be 30 units. While I acknowledge the concerns expressed by local residents, I believe that despite its difficulties this site offers the best opportunity to achieve some additional housing in the village without seriously affecting the character and appearance of the village. However, as the site is also expected to accommodate and tourism and business uses, I consider that the indicative figure of 30 units would leave little scope for the other uses. I believe that the housing capacity should be reduced to 25 units. Given the scale of the existing settlement, which has a population of some 80 people and where only 4 houses were built between 2000 and 2006, the limited facilities and services available locally, I believe that the identification of a housing opportunity of this size is more than generous. I consider that it should be sufficient to provide for the level of demand likely to arise in Inchree within the local plan period and the foreseeable future beyond.

I appreciate that the council are seeking to significantly increase the number of houses in the village with a view to achieving a developer funded new access road and junction onto the trunk road and other infrastructure improvements. However, as the council has admitted, in planning terms the financial costs of such improvements cannot be used as a justification for allocating a scale of development that is larger than the village can comfortably accommodate. I consider that the council’s suggested approach does not provide an appropriate basis for local planning in small rural settlements such as Inchree.

Many of the representations received were made on the basis of the land identified in the 2007 deposit draft version of the plan where the MU site formed part of a larger H1 site. In the current 2008 version of the plan, the former H1 site has been divided into the MU site and an adjoining longer term (LT) allocation (which extends to some 2.7ha). The general representations referred to above included objections to the overall level of development proposed in the village. This includes representations concerning the development of the land which is now within the LT site. For the reasons given above, I do not consider that it would be appropriate at this stage to identify additional land over and above the MU site for

development in this part of the village.

As indicated in Issues 101 and in 111 in relation to General Policy 10, those promoting new development adjacent to a trunk road will require to justify the setting aside of Transport Scotland's policy presumption against creating new accesses onto trunk roads. The MU site at Inchree was one of the sites identified in Transport Scotland's objection which falls into this category. The site will therefore require an additional developer requirement which should indicate that where a new junction onto the trunk road is proposed in order to gain access to the site, a justification will have to be provided confirming why the policy presumption requires to be set aside.

SEPA has raised concerns regarding the provision of satisfactory provision for waste water treatment in relation to the development of Sites MU, LT and H in Inchree. As indicated below, it is recommended that Sites LT and H should be deleted. The general issues regarding waste water treatment are dealt with in this report under Issues 101 and 108 (Policy 7). With respect to Site MU, I believe that the requirement to make provision for a connection to the public sewer should be dealt with by way of an additional developer requirement on the site. This is addressed below in the Reporter's Recommendations.

I conclude that the MU allocation should be retained in the plan, but that the indicative housing capacity on the site should be reduced from 30 units to 25 units to ensure that adequate opportunities are available for community and business/tourism uses. As indicate above I do not consider that it would be appropriate to retain the adjoining LT site and I conclude that it should be deleted from the plan and the land should be excluded from the SDA.

H Site: This site is to the south of the River Righ and it extends to 2.1ha and has an indicative housing capacity of 25 units. Most of the site lies within the Onich to North Ballachulish Woods Special Area of Conservation (SAC). The site is quite separate from the rest of Inchree being separated from it by open land and the River Righ. The plan proposes that an access road should be created from a new junction with the A82(T) to the west of the H site to the rest of the village. This proposal would involve not only the creation of a new road but also the building of a bridge across the River Righ. The development of this site is dependent upon the provision of the improved access arrangements. Given the concerns expressed about the excessive levels of development proposed for the settlement, the environmental sensitivities associated with the protection and enhancement of the SAC, the relative remoteness of the site from the rest of the settlement and the adequacy of the housing opportunities identified in the village, I consider that it would be inappropriate in local planning terms to allocate the H site for housing at this stage. I therefore conclude that the H site should be deleted and the land should be excluded from the SDA.

Reporter's Recommendations

General comments: No modifications, but see the other recommendations.

MU Site: I recommend that the indicative housing capacity of the MU site should be reduced from 30 units to 25 units to ensure adequate space is available for community and business/tourism uses. Additional developer requirements should also be attached to the MU site stating: (i) "*Where a new junction onto the trunk road is proposed in order to gain access to the site, a justification will have to be provided confirming why the presumption requires to be set aside.*"; and, (ii) "*Any development on the site should include a connection to the public sewer where it is technically and economically feasible to make a connection.*"

LT Site: I recommend that the LT site should be deleted and that the land should be excluded from the SDA.

H Site: I recommend that the H site should be deleted and that the land should be excluded from the SDA.

Issue (ref and heading):	28. DUROR - Settlement Development Area (SDA)	Reporter: Iain Lumsden
Development plan reference:	Duror SDA Text MB 21 – Map LO10 MB 21	
Body or person(s) submitting a representation raising the issue (reference no.):		
Bidwells on behalf of Carita Investments Ltd (736), J McIntyre (952)		
Provision of the Development Plan to which the issue relates:	SDA	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> • Bidwells: Suggestion for 4 houses on A828 via SDA extension and LT site north of hotel for housing and tourism to help diversify the economic base of the village. Justifies enclosure within SDA because of location close to services, single new access, part adopted plan allocation, part consented, close to facilities and could accommodate sites outwith flood plain. • J McIntyre: Objection to any extension to SDA south of Old Mill cottages because of flood risk, ground conditions, overhead electricity lines and unsafe access off A828. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • Bidwells: SDA extension and LT allocation • J McIntyre: Unclear but may support Council's position. 		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u>: NO CHANGE.</p> <p><u>Reasons</u>: Two outline applications are currently being considered to the south of Old Mill Cottages. The proposed extension is considered unsuitable because of access constraints due to inadequate visibility at the A828 junction and the unadopted status of the road. The land north of the hotel also suffers from access constraints caused by visibility at the junctions, the unadopted status of the road and bridge and there is a need to protect the national cycle way. For clarification if either development proposal was to be accessed from the north, the access issues are the unadopted bridge and junction difficulties, and protection of the cycleway. If accessed from the south there is also an unadopted bridge here and a junction problem with the A828. There is no evidence presented of agreement with Transport Scotland or of the results of a flood risk assessment and adequate alternatives have been allocated. If constraints can be overcome then applications could still be pursued and tested against the Plan's general countryside policies.</p>		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
The land which is the subject of these representations lies on the eastern side of the A828 beyond the southern extremity of the defined SDA boundary and close to the banks of the River Duror. One of the local plan objectives for the settlement of Duror is to create a more cohesive village form. In my opinion, the alteration to the SDA boundary suggested in this		

representation would simply extend the built up area southwards along the A828. To modify the boundary as suggested would provide an opportunity for some 4 further houses, but it would simply represent ribbon or linear development along the road contrary to the objective of achieving a more consolidated village form. I also have concerns regarding the proposed site being at risk from flooding and the difficulties associated with achieving a satisfactory road access to serve the development. I am aware that part of this area was allocated for 2 houses in the currently adopted local plan, but no development has taken place on the site in the last 10 years. The current review of the local plan reassesses the situation and provides an appropriate opportunity to review the situation. Similarly, I do not consider that adequate justification has been provided for the suggested inclusion of a 'longer term' allocation of land on the opposite side of the River Duror from the existing village to accommodate additional housing and a possible tourist related development. I note that access from the site to the trunk road is considered by the council to be constrained and that the access track and the bridge across the River Duror are unadopted. In my opinion, the local plan already provides for a more than generous land supply for new housing in the village. In addition, the local plan has identified a well located opportunity to accommodate tourist/business related activities close to the centre of the village. I conclude that better located sites have already been identified in the local plan to meet the housing and business needs of the community. The development of the sites in the plan would also be more consistent with the objective of creating a more cohesive settlement form for Duror. I therefore conclude that it is unnecessary and inappropriate for the plan to include the additional housing and employment sites as suggested in this representation.

Reporter's Recommendation

No modifications.

Issue (ref and heading):	29. DUROR H1 - North of Achindarroch Road	Reporter: Iain Lumsden
Development plan reference:	Duror H1 Text MB 21 – Map LO10 MB 21	
Body or person(s) submitting a representation raising the issue (reference no.):		
E. Connolly (200), J. Connolly (477) and C. Pearman (493)		
Provision of the Development Plan to which the issue relates:	Housing Allocation	
Council's summary of the representation(s):		
Objections to development because of: adverse impact on character of the village; inadequate current facilities and road, and; inadequate local employment base which would result in increased commuting.		
Modifications sought by those submitting representations:		
Deletion of site (implied).		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u>: RETAIN ALLOCATION.</p> <p><u>Reasons</u>: There are two full planning applications pending on H1. The size of the allocation is partly dependent upon financing a viable reconfiguration of the trunk road junction to the benefit of existing and new residents. Explicit phasing has been added by the use of an LT allocation. 35 houses are allocated with further land identified for the longer term in order to give some developer certainty whilst ensuring an appropriate pace of development. A developer requirement is necessary to secure and recoup developer contributions for the reconfiguration of the junction which the first developer will have to pay upfront.</p>		
Any Further Plan Changes Commended by THC		
There is a factual change necessary to the Mapping booklet to reflect the Committee decision to amend developer requirements for LT site in regard to improvements to the shared junction.		
Reporter's Conclusions		
<p>I note that the scale of additional housing proposed for the village has been reduced from some 145 units in the 2007 version of the deposit draft plan to approximately 60 new houses in the present version of the plan. However, the scale of development now being proposed by the council has to be considered in the context that in 2007 the settlement had a population of 66 people and that in the period 2000-2006 only one new house was completed in the village.</p> <p>With respect to the representations submitted regarding the H1 site, I share the concerns expressed that this small village is being expected to accommodate far too high a level of development in a very short period of time. I believe that the scale of development proposed would have a significant detrimental impact on the character and appearance of the settlement. I also believe that the proposed level of development would have an adverse effect on the landscape and amenity of the area. I am aware that in addition to the H1 site, which has an indicative capacity of some 35 units, the plan identifies the adjoining area of land as being a long term development opportunity (LT site). No indicative housing</p>		

capacity is provided for the LT site, but as this area is identical to the balance of the larger H1 site identified in the consultative draft plan I consider that it is reasonable to assume that this land could accommodate a further 35-40 units.

In coming to a view on the scale of new housing allocations in the village, it would appear to me that the council has been unduly influenced by calculations of the level of development that is required to support the funding of an expensive upgrading of the A828 trunk road junction. As a result, the plan identifies very extensive areas of land for new housing that are unrelated to local needs or past levels of development in the area. Other than the desire to fund road improvements, the council has failed to produce any reasoned planning justification to support the proposed release of extensive areas of land for housing in this small rural settlement. In my view, what the council proposes is excessive and does not constitute an appropriate or sound basis for the future planning of housing provision in the settlement.

I consider that it is unlikely that the level of development proposed in the local plan for Duror (some 60 houses) will be achieved within the plan period. In any event, if this level of development was actually achieved it would in my view have a significant adverse impact on the character and amenity of the village. The level of development proposed is also unrelated to any specific proposals to significantly enhance community facilities, local services or employment opportunities in Duror. As a result, it is likely that new residents would have to travel significant distances to find work and access social facilities and local services. I consider that the proposed over allocation of land for such an unrealistic level of development would serve no useful planning purpose and that it would have significant adverse consequences for the settlement.

I therefore conclude that the approach adopted by the council to the provision of new housing in Duror is flawed and should not be supported. Consequently, I consider that the level of development proposed for the settlement should be significantly reduced and that the new housing should be concentrated primarily on one site (i.e. Site H1). The capacity of site H1 is some 35 units and I consider that this represents an extremely generous land supply in the context of this particular settlement. I conclude with respect to these representations that the proposed longer term housing site (LT) should therefore be removed from the plan and the land excluded from the SDA. (See also the conclusions in Issue 30, which deal with the representations relative to Site H2.)

I note that SEPA has indicated that the proposed Developer Requirements regarding the H1 site do not include a reference to the need to retain and integrate the watercourse which runs through the site. In order that the water environment is adequately protected SEPA has indicated that the following wording should be added: *“To retain and integrate watercourses as natural features within the development.”* I consider that it would be helpful and appropriate to add this wording to the Developer Requirements for the H1 site. The general policy position regarding this matter is dealt with under Issue 101.

Reporter’s Recommendations

1. I recommend that an additional Developer Requirements should be attached to the H1 to ensure the protection of the watercourse. The additional wording would be: *“To retain and integrate watercourses as natural features within the development.”*
2. I recommend that the proposed LT housing allocation to the north of Achindarroch Road and adjacent to the H1 site should be deleted from the local plan and the land excluded from the SDA.

Issue (ref and heading):	30. DUROR - H2 South of Achindarroch	Reporter: Iain Lumsden
Development plan reference:	Duror H2 Text MB 21 – Map LO10 MB 21	
Body or person(s) submitting a representation raising the issue (reference no.):		
E. Connolly (200), J. Connolly (477), C. Anderson (478), C. Pearman (493), D. Chrystal (550)		
Provision of the Development Plan to which the issue relates:	Housing Allocation	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> • General objections to development because of the adverse impact on the character of the village and the inadequacy of current facilities and the road to cope with the scale of building proposed. Also that an inadequate local employment base would result in increased commuting. • D. Chrystal offers site specific grounds of objection because: the land has been actively grazed; that development would detract from two Telford designed listed buildings, and; overhead electricity lines impinge on the site. Habitat issues for deer, otter, woodcock are alluded to. Also mention of a previous objection to development on part of site H2 where the Reporter found in their favour. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • C. Anderson: Request for privacy/daylighting set-back from property at north-east end of site. • C. Anderson, J. Connolly, E. Connolly, C. Pearman: Reduced scale, density or deletion (implied). • D. Chrystal: Deletion (implied). 		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u>: RETAIN ALLOCATION.</p> <p><u>Reasons</u>: The reduced site capacity and boundary will have less impact and objectors' other pertinent concerns are reflected in the site's developer requirements. The shape of the site may cause privacy/daylighting issues and therefore a further requirement is appropriate.</p>		
Any Further Plan Changes Commended by THC		
ADD developer requirement for "privacy/daylighting set-back from adjacent properties".		
Reporter's Conclusions		
<p>For the reasons set out in relation to the representations considered under the section of this report dealing with the H1 site in Duror (Issue 29), I consider that the scale of new housing proposed in the local plan for the village is excessive and inappropriate. Consequently, I have found that in terms of this local plan new housing should be concentrated on the H1 site.</p>		

In terms of the H2 site, I consider that the development of this land is significantly constrained. The two areas of land which make up site H2 do not have direct access onto the local road system and I believe that it would be extremely difficult to create an access onto the A828(T) which achieves the visibility and technical requirements for new junctions onto a trunk road. I also believe that the development of some 20 houses on the site would detract to an unacceptable extent from the character and appearance of the core of this attractive village. Given my conclusions under Issue 29 regarding the general level of housing development proposed for the village, I consider that the excessive scale of the housing opportunities included in the plan needs to be significantly reduced. I believe that the H1 site represents the preferred housing opportunity in the settlement and that new housing should be primarily concentrated on that site for the foreseeable future. Consequently, I conclude that it would be inappropriate to identify a further housing opportunity at H2 and that this site should therefore be deleted from the local plan.

Reporter's Recommendations

I recommend that the H2 housing site south of Achindarroch Road should be deleted.

Issue (ref and heading):	31. DUROR - General & MU Adjacent to Former Hotel	Reporter: Iain Lumsden
Development plan reference:	Duror General and MU Text MB 21 – Map LO10 MB 21	
Body or person(s) submitting a representation raising the issue (reference no.):		
Highland & Islands Enterprise (HIE) (495), E. Connolly (200), J. Connolly (477), M. Reynolds (930)		
Provision of the Development Plan to which the issue relates:	General & Mixed Use Allocation	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> Highland & Islands Enterprise (HIE): Request for specific employment land allocation via a mixed use or business allocation to allow for provision of local work places. Local employment promotes the concept of sustainability. Others object to development because of: adverse impact on character of the village; inadequate current facilities and road, and; inadequate local employment base which would result in increased commuting. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> Highland & Islands Enterprise (HIE): A mixed use or business allocation within Duror. Others: Deletion or reduction of site (implied). 		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u>: RETAIN ALLOCATION</p> <p><u>Reasons</u>: The allocation has been changed to mixed use with a lower housing capacity to meet concerns raised and as it is in an appropriate village centre location. It offers a business land opportunity within Duror to balance with the housing land identified. This change allows the prospect of local employment. There are no known infrastructure capacity issues beyond the developer requirements listed.</p>		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
<p>With respect to representation from Highland and Islands Enterprise (HIE), I note that the council has amended what was identified in the 2007 version of the deposit draft plan as housing site (H3) to a mixed use (MU) site. The council has also reduced the indicative housing capacity of the site from 10 units to 5 units thus leaving scope to accommodate other uses on the land. In addition, the developer requirements relating to this MU allocation specifically indicate that business and tourism developments would be acceptable forms of development on the site. I believe that these changes satisfactorily address the points made by HIE. I also consider that, given the central position of the site within the settlement and the need to provide additional employment opportunities in Duror, the range of uses proposed for the site by the council is reasonable and appropriate.</p>		

As indicated in relation to the representations made on the H1 and H2 sites in the settlement, I consider that there is already a more than adequate supply of land for housing in the village. However, given the mixed use nature of this site and the reduced number of houses now proposed, I would accept that a further small housing allocation is acceptable as part of the overall development of this land. In my view, built development on this site would assist in consolidating the structure of the settlement and would not have an unacceptable or undue impact on the appearance or character of the village. Consequently, I consider that the MU allocation should be retained.

Reporter's Recommendations

No modifications.

Issue (ref and heading):	32. LOCHALINE - General	Reporter: Iain Lumsden
Development plan reference:	Lochaline General Text MB 22 – Map LO11 MB 23	
Body or person(s) submitting a representation raising the issue (reference no.):		
W. Lamont (214)		
Provision of the Development Plan to which the issue relates:	Suggested Housing Allocation	
Council's summary of the representation(s):		
Suggests housing site at property Lochview for 3 or 4 double units with elderly people in mind using land behind as necessary. The proximity to the shop and Post Office with level walking to some would make the site ideal for elderly accommodation. The ground behind property is owned by the Ardtornish Estate and they are willing to see some of their land used for this purpose. Suggestion that building could be demolished to achieve a suitable access to land.		
Modifications sought by those submitting representations:		
New housing allocation.		
Summary of response (including reasons) by planning authority		
<u>Response(s)</u> : NO CHANGE.		
<u>Reasons</u> : It is not necessary to allocate land of this scale when the SDA policy is generally supportive. Also there is a lack of certainty over the site and proposal and there may be difficulties in taking forward proposals in terms of access - due to proximity with the junction and the filling station. This matter can be dealt with through the development management process rather than through the local plan. No further details have been submitted to support the land's allocation. If access issues can be overcome then the potential of the garden ground still appears to be limited given the need to maintain the amenity of adjacent housing.		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
<p>The local plan already identifies housing sites in Lochaline with an indicative capacity of some 57 units. In addition, the plan indicates that there is an opportunity to provide a further 40 houses on a long term (LT) site. In these circumstances, I do not believe that it is appropriate or necessary to identify the small area of land to the rear of Lochview as a specific housing site in the local plan. There is a more than generous supply of housing land in the village and there is no planning justification for identifying a further opportunity which may be problematic to deliver. In any event, as the land at Lochview is within the defined SDA for Lochaline proposals for the development of the site can be considered through the development management process against the general policies in the local plan when a planning application is submitted.</p> <p>While the issue of providing affordable housing is important, I believe that this is a matter that can be addressed as part of the development of the 3 housing sites which are already identified within the local plan. I conclude that it would not be appropriate to include the potential opportunity suggested in this representation as an identified housing site in the local plan.</p>		
Reporter's Recommendations		
No modifications.		

Issue (ref and heading):	33. LOCHALINE H3 - East of Dunaline	Reporter: Iain Lumsden
Development plan reference:	Lochaline H3 Text MB 22 – Map LO11 MB 23	
Body or person(s) submitting a representation raising the issue (reference no.):		
T. Roff (432)		
Provision of the Development Plan to which the issue relates:	Housing Allocation	
Council's summary of the representation(s):		
Objections relating to the development management process:- concern that drilling may damage foundations of other properties; belief that new development should be single storey; that privacy concerns and therefore windows be carefully considered; that a fence be constructed along the boundary, and; that where possible, mature trees be retained and care is taken not to damage tree roots from objector's property.		
Modifications sought by those submitting representations:		
Guaranteed control of detail of development. Will withdraw objection if guarantees offered.		
Summary of response (including reasons) by planning authority		
<u>Response(s)</u> : NO CHANGE.		
<u>Reasons</u> : The Plan reflects the planning consents granted and no further guarantees are appropriate. A condition on the planning consents issued specifies that houses not exceed 1.5 storeys.		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
<p>The H3 site identified in the local plan has an indicative capacity of 2 units and I note planning permission has already been granted for 2 houses on the site. The site lies within the defined SDA and adjacent to an area of existing housing. In these circumstances, I consider that its inclusion in the local plan is reasonable and appropriate. The detailed issues raised in this representation do not in my opinion constitute an adequate reason for deleting the site. The points raised concern matters that are capable of being addressed and resolved through the normal operation of the development management process.</p> <p>On a separate matter, SEPA has raised concerns regarding the importance of providing satisfactory arrangements for the treatment of foul drainage. SEPA emphasised that potential developers should be made aware that a connection to the public sewer will be required for new developments within existing settlements. The general policy issue relative to waste water treatment is dealt with under Issue 101 in this report. Because of its concerns on this matter, SEPA indicated in its initial representations on the local plan that it objected to the identification of a number of sites, including Sites H1, H2 and H3 in Lochaline. SEPA has subsequently indicated that it would be prepared to withdraw these objections provided a Developer Requirement is attached to each of these sites stating that the development will be connected to the public sewer. As this site is one of the sites identified by SEPA, an additional developer requirement regarding the need for a public sewer connection will require to be attached to the site.</p>		
Reporter's Recommendations		
I recommend that additional developer requirements should be attached to Site H3, stating: <i>"Any development on the site should include a connection to the public sewer where it is technically and economically feasible to make a connection."</i>		

Issue (ref and heading):	34. LOCHALINE - B2 North East of War Memorial	Reporter: Iain Lumsden
Development plan reference:	Lochaline B2 Text MB 22 – Map LO11 MB 23	
Body or person(s) submitting a representation raising the issue (reference no.):		
D. Brevis (907)		
Provision of the Development Plan to which the issue relates:	Business Allocation	
Council’s summary of the representation(s):		
Objection to development on the basis of the loss of public open space and woodland, the steepness of the site makes the land un-developable and the loss of public views.		
Modifications sought by those submitting representations:		
Deletion of site (implied).		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u>: RETAIN ALLOCATION. See commended augmentation of developer requirements below.</p> <p><u>Reasons</u>: Most of the footpath has been excluded from the allocation so that it is safeguarded. Only part of the site is steeply sloping and it will be for an application to determine exact layout. Further augmentation of developer requirements will address outstanding and relevant concerns.</p>		
Any Further Plan Changes Commended by THC		
ADD developer requirements to “retain footway link to lower road”, “maximise retention of woodland” and “safeguard public views over Sound of Mull”.		
Reporter’s Conclusions		
<p>It is noted that the B2 site was not identified as a business opportunity at the consultative draft local plan stage. I am also aware that in the adopted Lochaber Local Plan this site is specifically identified as one of the areas of woodland and informal open space in the village which make an important contribution to the overall amenity and appearance of Lochaline. In the adopted plan it is therefore indicated that there should be a presumption against development which has an adverse effect on such areas. It is also noted that in the consultative draft version of the present plan most of the site, apart from a narrow frontage strip, was identified as Open Space.</p> <p>In my opinion, this site occupies an important position within the village. It is in a highly visible location and is open to public view from the main road through the village that leads to the ferry terminal. I can appreciate that such a prominently located site may be of interest to commercial operators seeking to attract tourist and visitors coming to Lochaline. However, much of the site is on steeply sloping ground and it forms an integral part of an important area of informal open space within the village. The site forms part of a larger area of embankment that separates the upper part of the settlement from the shore. It includes</p>		

areas of attractive woodland and a section of a footpath that leads down towards the ferry terminal. The site therefore represents a key component of the structure of the village and in my view it contributes materially to the character, appearance and amenity of the settlement. I consider that even a well-designed business or tourist related development on this site would detract significantly from the overall appearance and amenity of this part of the village. I also do not believe that the council's suggested developer requirements for the site would satisfactorily mitigate the impact of a development on the amenity and appearance of the area or overcome my concerns regarding the potential loss of this important area of open space.

I therefore consider that the land should not be identified in the local plan as a business/tourist development opportunity. I believe that its present role as an informal area of open space should be retained and that the site should be safeguarded for such a use in the plan. I conclude that the B2 site should be deleted from the plan and that the land should be identified as an area of open space.

Reporter's Recommendations

I recommend that the B2 site should be deleted from the plan and that the area should instead be identified as an area of open space.

Issue (ref and heading):	35. KILCHOAN - Settlement Development Area (SDA)	Reporter: Iain Lumsden
Development plan reference:	Kilchoan SDA Text MB 24 – Map LO12 MB 25	
Body or person(s) submitting a representation raising the issue (reference no.):		
Lochaber Housing Association (105), I. Carmichael (788), West Ardnamurchan Community Council (378)		
Provision of the Development Plan to which the issue relates:	SDA & Suggested Business Allocation	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> • I. Carmichael: Request for SDA extension because: the extension is minor; development on the land enclosed would be in keeping with the established settlement pattern; it is needed for working of the croft, and; it is the only option on the croft. • Lochaber Housing Association - requests SDA extension because they have land banked a site for 2 units adjacent to "Queen's Cottage" which had a previous consent. It intends to develop this site when the demand increases for social housing in the area. • West Ardnamurchan Community Council: Wants extension of the SDA at Glebe Hill because: there will be no SSSI impact, it is central, has good road access and is in several ownerships. Also want business allocation opposite church for shop and petrol pumps because it's central. Believe SDA should be much more widely drawn to not prejudice any particular proposal on any particular croft. 		
Modifications sought by those submitting representations:		
Various extensions to the SDA and business allocation opposite church.		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u>: NO CHANGE other than factual correction detailed above.</p> <p><u>Reasons</u></p> <ul style="list-style-type: none"> • I. Carmichael: This objection has been maintained because although his submission was supported at Committee the mapping change was not carried through. It is considered that this area should be included within the SDA. The precise proposed change to the SDA has been confirmed. • Lochaber Housing Association: The site already lies within the SDA and therefore carries a presumption in favour of development unless the site-specifics indicate otherwise. • West Ardnamurchan Community Council: The proposals may have merit but are not specific enough to justify a current change. The Council believes that these small scale proposals are best pursued and tested via the development management process and considered on their merits against the general policies of the plan. A widely drawn SDA would carry too positive a policy presumption that could compromise the established settlement pattern, good croft land, and heritage interests. In the centre of the village the SDA does not join up because of the functional flood plain. 		

Any Further Plan Changes Commended by THC

There is a very minor factual correction to be made to the SDA at the south west end of the settlement. The SDA boundary bisects an existing property and the owner wishes it to be included within the SDA. The Council have agreed to make this change albeit at the scale of the map the change will be imperceptible.

Reporter's Conclusions

The council has acknowledged that a minor change should be made to the SDA boundary at Ormsaigbeg in response to the comments made by Mr I Carmichael. I consider that the inclusion of the proposed small area of land within the SDA would be acceptable and is an appropriate modification.

The land referred to by the Lochaber Housing Association is clearly within the defined Kilchoan SDA as shown in the local plan. In these circumstances, the plan contains a general presumption in favour of the principle of small scale housing developments, such as the scheme proposed by the housing association. The site does not at present have an extant planning permission and it is therefore not appropriate to explicitly identify this small area in the plan as a housing site.

In terms of the representation from the West Ardnamurchan Community Council, I consider that the local plan contains more than sufficient land to accommodate the likely development needs of a settlement the size of Kilchoan. Opportunities for new development are available on the identified housing, business and mixed use sites in the village and within other undeveloped areas of land that exist within the defined SDA. I do not consider that it is appropriate or necessary for the plan to specifically identify and allocate every possible small scale development opportunity within the settlement. I agree with the council that the consideration of development proposals on these sites can be satisfactorily addressed through the development management process. Given the existing pattern of development in the area and the sensitivity of the landscape and environment, I do not believe that it would be appropriate for the local plan to include more extensive areas of land within the SDA. I conclude that the SDA boundary at Kilchoan, as shown in the local plan, has been appropriately drawn and does not require to be modified.

Reporter's Recommendations

I recommend that no modifications are made to the local plan, apart from the minor amendment referred to above in relation to the boundary of the SDA at Ormsaigbeg, which was indicated on the map produced by the council in response to my request for further information.

Issue (ref and heading):	36. STRONTIAN - Settlement Development Area (SDA)	Reporter: Iain Lumsden
Development plan reference:	Strontian SDA Text MB 26 – Map LO13 MB 27	
Body or person(s) submitting a representation raising the issue (reference no.):		
Mr D. Ashburner (111)		
Provision of the Development Plan to which the issue relates:	SDA	
Council's summary of the representation(s):		
Requests extension to SDA to allow required extension of Drimnatorran cemetery with new access and car park, also to include a new caravan and camping site within the fields at Drimnatorran Farm.		
Modifications sought by those submitting representations:		
Extension to SDA to include development proposals.		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u>: NO CHANGE.</p> <p><u>Reasons</u>: The SDA has been enlarged partly at Drimnatorran but road capacity is limited and therefore no further expansion is proposed. Moreover, the suggested changes may have merit but are not specific enough to justify any further change. Therefore any proposals outwith the extended SDA would best be pursued and tested via the development management process.</p>		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
<p>I do not consider that it would be appropriate to further extend the SDA boundary to accommodate: (i) a cemetery extension; and, (ii) a possible new caravan and camping site. The land is currently in agricultural use and I do not consider that it is essential for land associated with the proposed uses to necessarily be included within the settlement boundary or specifically allocated in the local plan. Proposals for such uses can be satisfactorily considered against the general policies of the plan through the development management process when a planning application is submitted. I note that in comparison to the situation set out in the 2007 version of the deposit draft plan, the SDA boundary at Drimnatorran has already been significantly enlarged. I am also aware that the capacity of the local road serving this area is constrained. Given the scale of development opportunities already identified in the plan, I do not therefore consider that in terms of the development needs of Strontian there is any planning justification for further extending the SDA.</p> <p>On a separate matter, the Scottish Environment Protection Agency (SEPA) and Scottish Natural Heritage (SNH) have expressed concerns regarding the cumulative effects on</p>		

aquatic Natura sites due to drainage. In this case, the concern relates to the fact that the Strontian SDA borders the Sunart Marine Special Area of Conservation (SAC). This matter is dealt with in general terms under Issue 108 of the Report, which sets out a proposed modification to the plan. However, SNH considers that there is a need for a further modification to the plan to deal with the issue of potential contamination of Natura sites from 'waste water'. To address this matter SNH suggested that an additional objective should be included for those Settlement Development Areas where there is potential drainage of waste water straight to an aquatic SAC, and where connection to a public sewer is not technically possible. This is the situation at Strontian. The additional objective to be inserted would state: "Ensure drainage to land". The council has accepted that this modification should be made and I agree that it is an appropriate change to make.

SEPA has also raised concerns regarding the provision of satisfactory provision for waste water treatment in relation to the development of Sites H1, H2, B1, B2 and C1 in Strontian. As indicated in Issue 37, it is recommended that Site B2 should be deleted. The general issues regarding waste water treatment are dealt with in this report under Issues 101 and 108 (Policy 7). With respect to Sites H1, H2, B1 and C1, I believe that the requirement to make provision for a connection to the public sewer should be dealt with by way of an additional developer requirement on each site. This is addressed below in the Reporter's Recommendations.

Reporter's Recommendations

1. I recommend that an additional objective should be included for the Strontian SDA to address concerns over waste water drainage. This would state "*Ensure drainage to land*".
2. I recommend that additional developer requirement should be attached to Sites H1, H2, B1 and C1 stating: "*Any development on the site should include a connection to the public sewer where it is technically and economically feasible to make a connection.*"

Issue (ref and heading):	37. STRONTIAN - B2 Hotel Site	Reporter: Iain Lumsden
Development plan reference:	Strontian B2 Text MB 26 – Map LO13 MB 27	
Body or person(s) submitting a representation raising the issue (reference no.):		
R. Freeman (933), P. and A. Adams (943)		
Provision of the Development Plan to which the issue relates:	Business Allocation	
Council's summary of the representation(s):		
Objection to any allocation because of: insufficient consultation; an ownership dispute; poor ground conditions; adverse traffic safety impact; the recent appeal decision; potential root damage to trees if the access is extended, and; a belief that business uses are not compatible with housing adjacent.		
Modifications sought by those submitting representations:		
Deletion of any development potential on the site (implied).		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u>: DELETE ALLOCATION. The Council's latest position is as the commended change below.</p> <p><u>Reasons</u>: The recent appeal decision to grant housing development on the last remaining frontage element of the site undermines its reason for allocation as a business site in that it could have been commercially attractive to a tourism facility. This and the tree preservation order constraint mean that any future potential should be limited to selective and appropriate infill judged against the SDA policy and boundary.</p>		
Any Further Plan Changes Commended by THC		
DELETE allocation but leave within SDA.		
Reporter's Conclusions		
<p>The council's intention to have this B2 site deleted from the local plan is noted. The grant of planning permission on appeal for a housing development on the key frontage section of the site, together with the existence of a number of Tree Preservation Orders covering parts of the site, impose significant constraint on the development and types of use that can be satisfactorily accommodated within the balance of the site. In these circumstances, I consider that it would be inappropriate to identify the site in the local plan for business use. The site has previously been developed for use as a hotel and in planning terms the land forms part of the existing settlement area. Its continued retention within the SDA is therefore appropriate.</p>		
Reporter's Recommendations		
I recommend that the B2 allocation (1.1ha) at the Former Hotel site should be deleted. The site should however be retained within the defined SDA boundary at Strontian.		

Issue (ref and heading):	38. GLENBORRODALE Settlement Development Area (SDA)	Reporter: Iain Lumsden
Development plan reference:	Glenborrodale SDA Text MB 28 – Map LO14 MB 28	
Body or person(s) submitting a representation raising the issue (reference no.):		
A. Morrison (644)		
Provision of the Development Plan to which the issue relates:	SDA	
Council's summary of the representation(s):		
Request for extension of SDA to east to support further single house developments. One area had previous planning permission and area removed from SSSI by Scottish Natural Heritage (SNH) to allow access to pontoon. Another area is proposed as it contains a croft ruin. The village should continue east to Stron nam Brathan corner before Laga Bay to include all other existing houses in village.		
Modifications sought by those submitting representations:		
Large eastern extension of Settlement Development Area (SDA).		
Summary of response (including reasons) by planning authority		
<u>Response(s)</u> : NO CHANGE.		
<u>Reasons</u> : The SDA has already been extended to include land at the jetty and east of the school but any further extension may compromise the adjacent SAC. It is considered that any proposal extending into the SAC should be assessed when proposals are being developed in order to consider the impacts. Prior to details being submitted which establish details such as the access, the footprint of development, and drainage details it would be inappropriate for the Local Plan to establish the principle of development. These proposals are not of a scale that would require an allocation and so they can be assessed against the general policies of the Local Plan particularly against the wider countryside and the natural, built and cultural heritage policy.		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
I consider that the SDA boundary at Glenborrodale as identified in the local plan has already been drawn very widely. As a result, there are a large number of development opportunities within the settlement boundary which I consider are more than capable of providing ample opportunity for the provision of additional single houses. Furthermore, as indicated on the settlement map in the local plan, the area to the north, east and south of the SDA boundary is designated either as a Special Area of Conservation (SAC) or a candidate SAC. It is not appropriate for such an area, which is designated for its international significance for nature conservation, to be included in the local plan as an area with a general presumption in favour of development. This would be the case if the land which is the subject of this representation was to be included within the SDA		

boundary. Taking all these considerations into account, I consider that there is no planning justification or reason to further extend the village boundary to the east as suggested in this representation.

On a separate matter, the Scottish Environment Protection Agency (SEPA) and Scottish Natural Heritage (SNH) have expressed concerns regarding the cumulative effects on aquatic Natura sites due to drainage. In this case, the concern relates to the fact that the Glenborrowdale SDA borders the Sunart Marine Special Area of Conservation (SAC). This matter is dealt with in general terms under Issue 108 of the Report, which sets out a proposed modification to the plan. However, SNH considers that there is a need for a further modification to the plan to deal with the issue of potential contamination of Natura sites from 'waste water'. To address this matter SNH suggested that an additional objective should be included for those Settlement Development Areas where there is potential drainage of waste water straight to an aquatic SAC, and where connection to a public sewer is not technically possible. This is the situation at Glenborrowdale. The additional objective to be inserted would state: "Ensure drainage to land". The council has accepted that this modification should be made and I agree that it is an appropriate change to make.

Reporter's Recommendations

I recommend that an additional settlement objective be included for the Glenborrowdale SDA to address concerns over waste water drainage. This would state "Ensure drainage to land".

Issue (ref and heading):	39. GLENBORRODALE H - School/Adjoining land	Reporter: Iain Lumsden
Development plan reference:	Glenborrodale H Text MB 28 – Map LO14 MB 28	
Body or person(s) submitting a representation raising the issue (reference no.):		
P. Dawson (57)		
Provision of the Development Plan to which the issue relates:	Housing Allocation	
Council's summary of the representation(s):		
Objection to any development because the water supply is not adequate, there is a privacy issue as the objector's property will be overlooked and the detrimental impact on the value of the objector's property.		
Modifications sought by those submitting representations:		
Deletion of site (implied).		
Summary of response (including reasons) by planning authority		
<u>Response(s)</u> : NO CHANGE.		
<u>Reasons</u> : The allocation is within the SDA and relates to an existing building and its curtilage. It is most likely to be developed as a conversion which is unlikely to have significant amenity and servicing impacts.		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
I note that this site lies within the defined SDA for the village and that the development proposed relates to an indicative figure of 2 housing units. In addition, the developer requirements set out in the plan (LO14, MB 28) indicate that the site relates to a school building which is considered to be suitable for conversion. It is also stated that proposals for the redevelopment of the site will be subject to high standards of design and construction. Given the limited scale of the proposal and the fact that there is already an existing building on the site, I believe that its identification as a housing opportunity in the local plan is appropriate. In addition, I believe that the safeguards attached to its development should ensure that any proposal is sensitive to its surroundings. The concerns expressed regarding loss of privacy, potential overlooking and impact on amenity relate to detailed matters that can be satisfactorily and more appropriately be dealt with through the development management system rather than the local plan process.		
Reporter's Recommendations		
No modifications.		

Issue (ref and heading):	40. SALEN - Settlement Development Area (SDA)	Reporter: Iain Lumsden
Development plan reference:	Salen SDA Text MB 29 – Map LO15 MB 29	
Body or person(s) submitting a representation raising the issue (reference no.):		
P. Stace (988)		
Provision of the Development Plan to which the issue relates:	SDA	
Council's summary of representation(s):		
Concern that the George V playing field adjacent to the hall is shown within the SDA. This land was gifted to the people of Salen in 1945. Planning permission may lapse and it should be a playing field.		
Modifications sought by those submitting representations:		
Remove area from SDA or add an open space safeguard (implied).		
Summary of response (including reasons) by planning authority		
<p><u>Response</u>: NO CHANGE.</p> <p><u>Reasons</u> - A reserved matters planning permission for housing was granted on the relevant land in July 2008. The site therefore benefits from an extant consent for housing. Its ownership position is unclear. However, the site is central, developable, free from known constraints and should therefore be retained within the SDA with a positive development presumption. The land is not currently in active playing field use.</p>		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
<p>The site of what is described in the representation as the former playing field is presently overgrown and it is not being used for recreational purposes or laid out as open space. I consider that the site clearly forms part of the existing village of Salen and I consider that this situation is correctly recognised in the local plan through its inclusion within the identified SDA boundary. I appreciate that the history and ownership of the land is in dispute. I am also aware that the representation clearly wishes to have the site excluded from the SDA or alternatively identified/safeguarded as an area of open space.</p> <p>However, for the reasons set out below, I consider that this course of action is inappropriate. Firstly, the site is centrally located within the village and fronts onto a main road. The site is therefore well integrated into the existing structure of the settlement and its future use should be planned in that context. Secondly, given the present condition and use of the land, it is not currently suitable or capable of being used as open space without significant investment. I have no evidence to suggest that funds are available to create and maintain this land as open space. Thirdly, there is an existing extant planning permission</p>		

for a housing development on the site.

Taking all these matters into account, I consider that in planning terms it would be inappropriate and unrealistic for the local plan to identify or safeguard the land as an area of open space or to exclude the site from the SDA. The dispute over the ownership of the site involves matters outwith the remit of the planning system and relates to an issue that cannot be resolved through the local plan process.

On a separate matter, the Scottish Environment Protection Agency (SEPA) and Scottish Natural Heritage (SNH) have expressed concerns regarding the cumulative effects on aquatic Natura sites due to drainage. In this case, the concern relates to the fact that the Salen SDA borders the Sunart Marine Special Area of Conservation (SAC). This matter is dealt with in general terms under Issue 108 of the Report, which sets out a proposed modification to the plan. However, SNH considers that there is a need for a further modification to the plan to deal with the issue of potential contamination of Natura sites from 'waste water'. To address this matter SNH suggested that an additional objective should be included for those Settlement Development Areas where there is potential drainage of waste water straight to an aquatic SAC, and where connection to a public sewer is not technically possible. This is the situation at Salen. The additional objective to be inserted should state: "Ensure drainage to land". I accept that that this is an appropriate change to make.

Reporter's Recommendations

I recommend that an additional settlement objective be included for the Salen SDA to address concerns over waste water drainage. This would state "Ensure drainage to land".

Issue (ref and heading):	41. DRIMNIN/BUNAVULIN Settlement Development Area (SDA)	Reporter: Iain Lumsden
Development plan reference:	Drimnin/Bunavulin SDA Text MB 30 – Map LO16 MB 30	
Body or person(s) submitting a representation raising the issue (reference no.):		
D. Lewis (882)		
Provision of the Development Plan to which the issue relates:	SDA	
Council's summary of the representation(s):		
Requests changes to SDA to exclude land west of the pier because it is prominent and development there would intrude into public views from the sea and adopted road. Requests inclusion of land which has a house, a partially constructed house and a potential plot on which an outline planning application has been submitted. This land is within the centre of the township is serviceable and would not adversely impact on its appearance/heritage.		
Modifications sought by those submitting representations:		
Extension and reduction of SDA.		
Summary of response (including reasons) by planning authority		
<u>Response(s)</u> : AMEND SDA as requested. See commended changes below.		
<u>Reasons</u> : The additional area is relatively unconstrained in a settlement that offers limited development opportunities. The pier land is visible rather than prominent but merits the more cautious policy presumption that the Plan's countryside policies provide.		
Any Further Plan Changes Commended by THC		
Exclude land west of pier from SDA and include suggested development area within SDA.		
Reporter's Conclusions		
<p>I consider that the land to the west of the pier is in a very prominent position and that any development on this site would be obtrusive and detract from the amenity and appearance of the area. I note that the council has acknowledged this situation and proposes that the land should be excluded from the SDA boundary identified in the local plan.</p> <p>The land suggested for inclusion within the SDA in this representation is located on the landward side of the minor road. I consider that this area is significantly less prominent in the landscape and relates better to the existing properties in this remote and dispersed settlement. I note that the area already includes a house and a partially completed structure. I therefore agree with the council's suggestion to modify the local plan by excluding the land lying to the west of the pier from the SDA and to include within the SDA boundary the area on the landward side of the road as suggested in this representation.</p>		
Reporter's Recommendations		
I recommend that the boundary of the SDA at Drimnin/Bunavulin shown in the local plan should be modified by excluding the area of land located to the west of the pier and including within the settlement boundary the area on the landward side of the road. The areas involved are indicated on the map provided by the council in response to my request for further information.		

Issue (ref and heading):	42. ROSHVEN Settlement Development Area (SDA)	Reporter: Iain Lumsden
Development plan reference:	Roshven SDA Text MB 33 – Map LO20 MB 33	
Body or person(s) submitting a representation raising the issue (reference no.):		
Ms P. Conacher (154)		
Provision of the Development Plan to which the issue relates:	SDA	
Council's summary of the representation(s):		
Objects to over-development of the area because of: inadequate infrastructure, adverse landscape impact and the lack of a strategic approach to look at infrastructure and other capacities and an appropriate scale of development.		
Modifications sought by those submitting representations:		
Unclear.		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u>: NO CHANGE.</p> <p><u>Reasons</u>: The Council's firm identification of a suitable township boundary and associated objectives has provided greater certainty and guidance for landowners, the public and other Plan users than leaving proposals to be considered solely on their individual merits. The settlement objectives address the issues raised by the objector.</p>		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
<p>The SDA boundary at Roshven has been drawn widely to include extensive areas of agricultural land and areas of ancient woodland. The implication of drawing the SDA boundary so widely is that small scale developments could be supported in principle within the extensive area covered by the SDA. I note that there is currently an absence of community and service facilities at Roshven. In addition, there is no indication in the local plan that such facilities are planned or that measures are in hand to fund the provision of the enhanced infrastructure capacity to deal with the potential further development.</p> <p>Policy 1 in the local plan indicates that the inclusion of land within an SDA is an indication that the council will generally support development proposals provided that they are consistent with the other policies in the structure and local plans. In this case, the extensive areas of land which have been included within the SDA at Roshven are located within the Morar, Moidart and Ardnamurchan National Scenic Area (NSA). In addition, the SDA boundary is drawn close to the edge of the Sound of Arisaig Marine Special Area of Conservation (SAC). The land at Roshven also contains remnants of ancient woodlands which are also recognised as being of national significance. In these circumstances, I consider that this area represents a very sensitive location in terms of the potential impact of any development on the quality of the landscape, visual amenity and nature conservation interests.</p> <p>In my view, the scale of the opportunities available within the SDA boundary in the plan is</p>		

significantly exceeds that required to meet the level of development that can realistically be expected to occur within the local plan period and beyond. While I appreciate that the plan does not identify any specific housing sites, the clear implication of drawing the boundary so widely is that the council is supportive in principle of development over an extensive area in this sensitive location. The council has asserted that the adoption of this approach will provide greater 'certainty' or guidance to landowners and others regarding the scope for development at Roshven. However, I am not persuaded that this is correct. I believe that the approach put forward in the plan introduces greater levels of uncertainty and does not provide the degree of clarity required in a local plan. By adopting a boundary for the SDA that covers a large area and at the same time failing to indicate the extent or nature of development opportunities envisaged within it, the plan fails to provide adequate guidance to potential developer or others of where development would be acceptable. In short, I consider that this broad brush approach to the definition of the SDA fails to clarify where in local planning terms the council would wish to see development occurring.

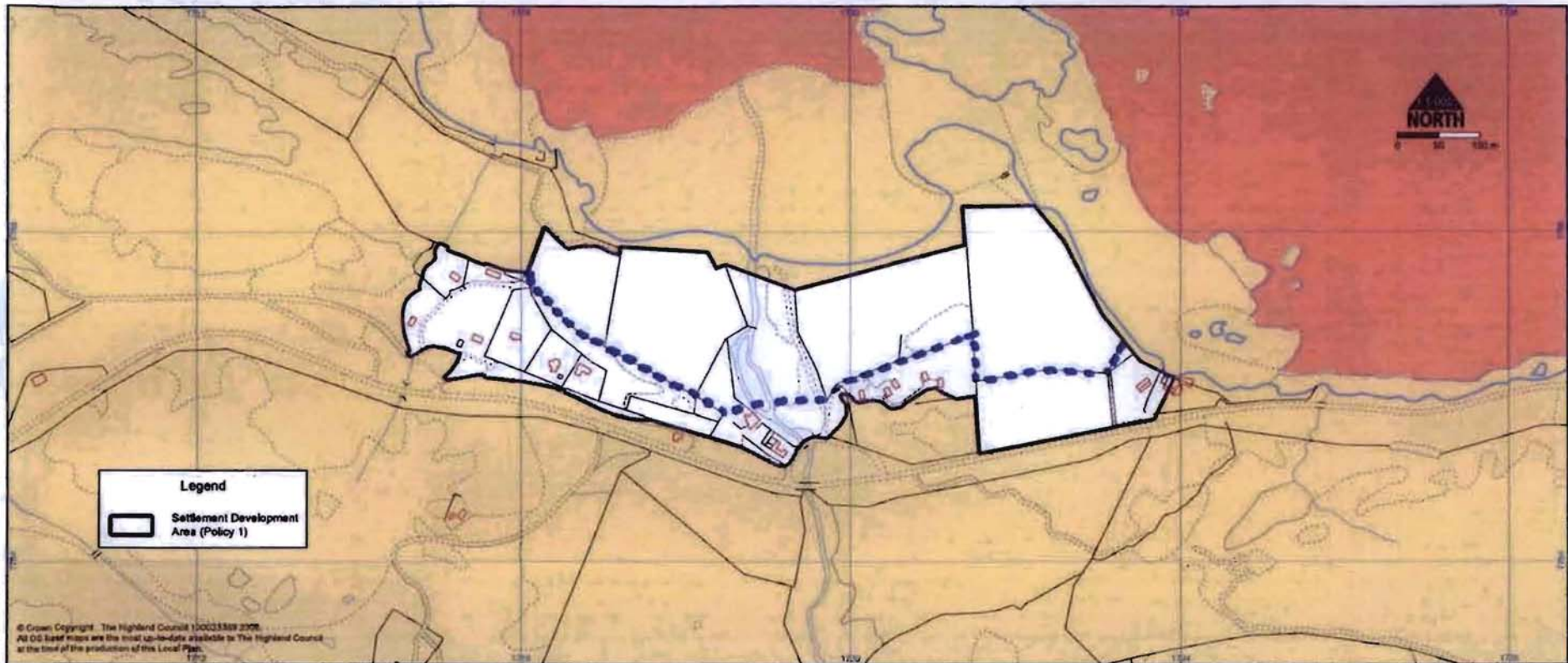
It appears to me that the drawing of the SDA boundary so widely relates more to an attempt to achieve a level of development that would secure developer funded road and infrastructure improvements rather than to any assessment of local housing needs or the environmental and landscape capacity of this sensitive rural area to accommodate development. Furthermore, I have no evidence that a new access onto the trunk road at Roshven would be acceptable or desirable. There is also no indication that the council has considered whether the water and drainage facilities to support the additional development can be provided without adversely affecting the nearby SAC. Taking all these matters into consideration, I am not persuaded that the council's approach to the definition of the SDA in the local plan is appropriate to the situation at Roshven.

Given my concerns regarding the landscape, visual, and the environmental sensitivities of this location, I consider that the council has failed to provide an adequate justification in planning terms for drawing the SDA boundary so widely. I conclude that the SDA boundary shown in the local plan fails to provide a sound basis for the future planning of a sustainable settlement at Roshven. I find that the extent of the SDA should therefore be reduced by removing certain areas of agricultural land.

On a separate matter, the Scottish Environment Protection Agency (SEPA) and Scottish Natural Heritage (SNH) have expressed concerns regarding the cumulative effects on aquatic Natura sites due to drainage. In this case, the concern relates to the fact that Roshven borders the Sound of Arisaig Marine Special Area of Conservation (SAC). This matter is dealt with in general terms under Issue 108 of this Report, which sets out proposed modifications to the plan. However, SNH considers that a further modification to the plan is required to deal with the issue of potential contamination of Natura sites from 'waste water'. To address this matter SNH suggests that an additional objective should be included for those SDAs where there is potential for the drainage of waste water straight into an aquatic SAC and where connection to a public sewer is not technically possible. This is the situation at Roshven. The additional objective to be inserted would state: "Ensure drainage to land". The council has accepted that this modification should be made and I agree that it is an appropriate change to make.

Reporter's Recommendations

1. I recommend that the extent of the area include within the SDA boundary at Roshven should be reduced. (See the attached plan showing the proposed revised SDA boundary).
2. I recommend that an additional objective be included for the Roshven SDA to address concerns over waste water drainage. It would state: "*Ensure drainage to land*".



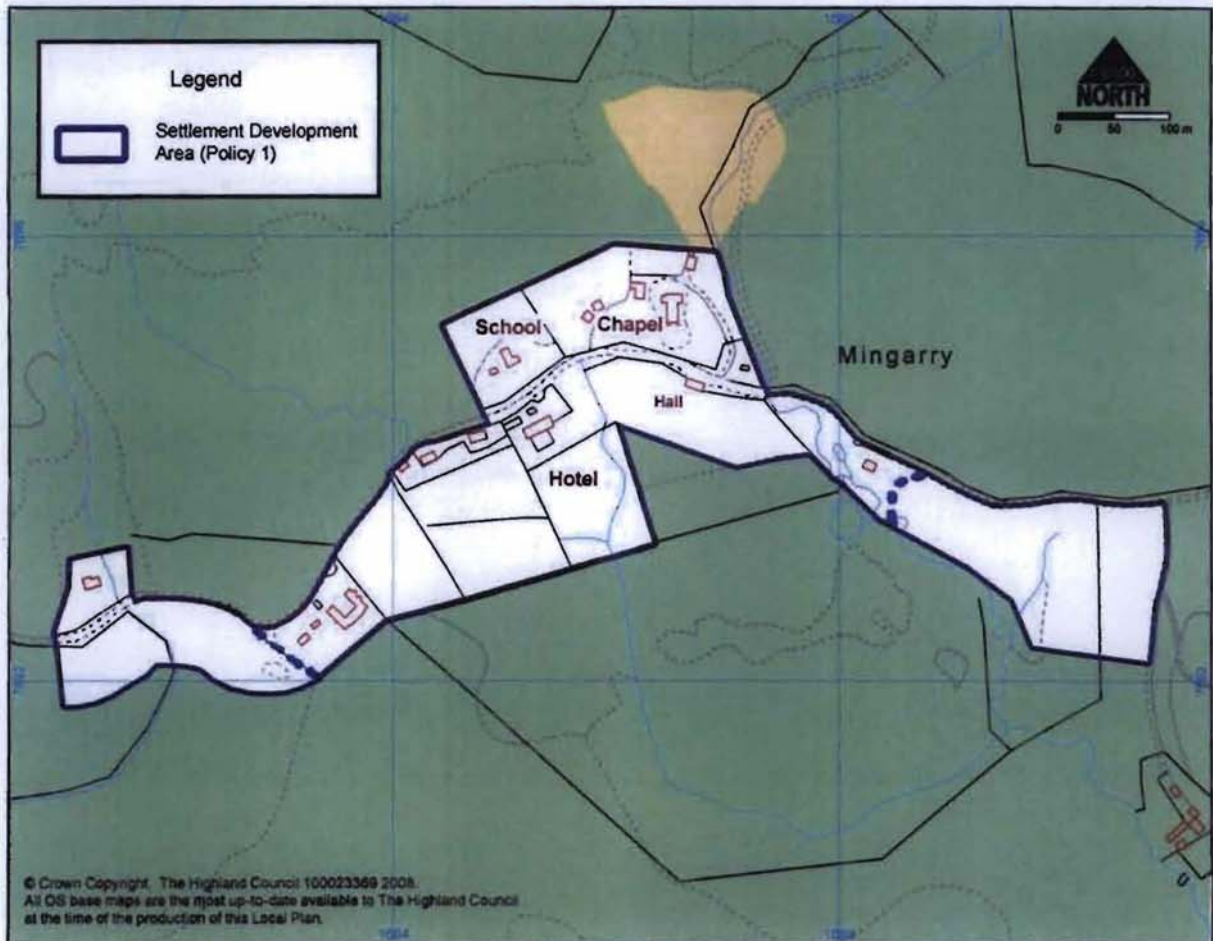
Objectives

- To secure developer funded road improvements.
- All development will be subject to adequate road access.
- To direct development away from any remaining ancient woodland.
- Any development will be assessed on its impact on the Sound of Arisaig SAC.

Issue (ref and heading):	43. MINGARRY Settlement Development Area (SDA)	Reporter: Iain Lumsden
Development plan reference:	Mingarry SDA Text MB 36 – Map LO24 MB 36	
Body or person(s) submitting a representation raising the issue (reference no.):		
Bidwells on behalf of Loch Shiel Estate (735)		
Provision of the Development Plan to which the issue relates:	SDA	
Council's summary of the representation(s):		
Objection to SDA as encouraging an inappropriate settlement pattern which will be detrimental to the crofting landscape character of the area. Believes the current boundary is likely to promote closer spaced linear development adjacent to the road. Also objects because part of the site is situated on the Deeke Common Grazings and it should not be taken out of crofting tenure.		
Modifications sought by those submitting representations:		
Unclear. Representation refers to a map that was subsequently withdrawn.		
Summary of response (including reasons) by planning authority		
<u>Response(s)</u> : NO CHANGE.		
<u>Reasons</u> - The boundary has been drawn to allow further development potential of a pattern that could be compatible to that existing. For example it will allow a degree of separation that is traditional in crofting settlements and will allow particular site selection to avoid the best croft land. The existing pattern is largely one of roadside development and shared access arrangements are preferable from a road safety point of view.		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
<p>The SDA as proposed in the local plan significantly elongates an existing small linear group of properties which lie alongside the A861. I consider that there are no obvious physical features to satisfactorily define the natural limits of this enlarged grouping. In my view, the boundaries of the SDA shown in the plan, particularly at the eastern and western ends, have been drawn in a somewhat arbitrary fashion to include large areas of undeveloped land and are unrelated to any development proposals. As a result, I am not persuaded that the proposed extensions to the SDA are either appropriate or necessary to the proper planning of the area. I consider that what has been proposed represents an unacceptable and inappropriate form of extended linear development along the A861. Given the character and limited nature of the existing grouping of properties, I consider that there are more than sufficient opportunities available in the central part of the settlement to cater for future development requirements without the need to extend the grouping along the trunk road by some 300m to the east and by approximately 150m to the west. I therefore conclude that in planning terms there is no justification for extending the SDA boundary to the east and the west as proposed in the plan. The extent of the SDA should therefore be reduced.</p>		
Reporter's Recommendations		
I recommend that the extent of the area include within the SDA boundary at Mingarry should be reduced by removing the proposed eastern and western extensions. (See the attached plan showing the revised SDA boundary).		

INSET LO24 : MINGARRY

Inset LO24 : Min Ghearraldh



Objectives

- A flood risk assessment will be required for land adjacent to 1 in 200 year flood risk which applies at eastern end of Settlement Development Area.
- To secure acceptable foul drainage provision.
- To retain any surviving remains of coffin cairn or ensure photographic record.
- To protect mature trees important to the setting and amenity.

Issue (ref and heading):	44. KENTALLEN Settlement Development Area (SDA)	Reporter: Iain Lumsden
Development plan reference:	Kentallen SDA Text MB 39 – Map LO27 MB 39	
Body or person(s) submitting a representation raising the issue (reference no.):		
K. R. Banyard (459), P. McFatrige (798)		
Provision of the Development Plan to which the issue relates:	SDA	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> • K. R. Banyard: Objection to SDA not including area of extant planning consent and area of land on seaward side of A828. • P. McFatrige: Suggests extension to SDA to include the old railway pier and a small strip of ground adjacent to the shore as a suitable rounding off of the settlement pattern. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • K. R. Banyard: Extension of the SDA to include land on the seaward side of the A828. • P. McFatrige: Extension of the SDA to include the pier and land to the west along the shore. 		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u>: NO CHANGE.</p> <p><u>Reasons</u>: The Council has already extended the SDA to reflect an extant consent. The suggested changes are beyond the natural boundaries and constraints of the settlement. They may be acceptable under the Plan's housing in the countryside policies but are not sufficiently unconstrained as to merit positive identification within the development plan. There may be difficulty in achieving a suitable access here without compromising the cycle path linking Fort William with Oban. The extension to the west of the chalets lies within a geological SSSI so a presumption in favour is not considered appropriate. The proposed area at the pier lies within the indicative 1 in 200 year flood risk maps produced by Scottish Environment Protection Agency (SEPA), a flood risk assessment would also be required to support proposals. Only water related or harbour uses would be acceptable within the flood risk areas so inclusion within the SDA could be considered misleading. Development on land by the chalets may also have an adverse impact on woodland, amenity and public views.</p>		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
I consider that on the basis of the evidence available to me, the SDA boundary at Kentallen as shown in the local plan appropriately reflects the extent of the planning permission granted in 2002 for 9 houses on the land to the south of the A828(T) and the Holly Tree Hotel. I also believe that to expand the SDA to the seaward side of the A828(T) at this		

location would involve extending the settlement onto a potentially prominent area of ground that lies outwith the limits of the existing built-up area and beyond the natural boundaries of the village. In terms of local plan Policy 1, such an extension would have potentially significant consequences in that there would in principle be a presumption in support of development on this land, subject to compliance with the other policies in the development plan. Given its location between the main road and the sea, outwith the existing limits of the settlement and within a Site of Special Scientific Interest, I do not consider that this is an appropriate course of action. I conclude that the boundary of the SDA at this location should not be changed.

With respect to the suggestion that the strip of land lying to the north of the A828(T) and adjacent to the former railway pier should be included within the SDA, I consider that this area is in a very prominent position and is clearly in view from the main road. In addition, I believe that the impressive views over this site to Loch Linnhe and the mountains beyond make a significant contribution to the general visual amenity and attractiveness of the area. The public views across the site also add to the enjoyment of the landscape experienced by visitors and tourists to Lochaber. The modification of the boundary of the SDA, as suggested in the representation, would also extend the area covered by Policy 1 and mean that the general presumption in favour of development would apply. Concerns have also been expressed that this land may be subject to flooding. Consequently, I am not persuaded that to support a measure that would increase the possibility of the development of this land is a desirable or sensible planning option. I therefore consider, given the constraints and sensitivity of the site, that to include this land would not be the appropriate planning response. In these circumstances, I conclude that the SDA boundary should not be extended at this location.

Reporter's Recommendations

No modifications.

Issue (ref and heading):	45. MALLAIG	Reporter: Iain Lumsden
Development plan reference:	Mallaig – H3 (Fank Brae), B1 (Glasnacardoch), New Allocations Text MB 42 – Map LO29 MB 43	
Body or persons submitting a representation raising the issue (reference no.):		
<ul style="list-style-type: none"> • <u>H3</u>: Strutt & Parker on behalf of Nevis Estate (584), W.C. & D. Longmuir (97), J. & H. MacPherson (574) • <u>B1</u>: Strutt & Parker on behalf of Nevis Estate (584) • <u>Suggested New Allocations</u>: Lochaber Housing Association (105), HIE (495) 		
Provision of the Development Plan to which the issue relates:	H3, B1, New Allocations	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> • <u>H3</u>: Objection to allocation because: part of site is good croft land; part of site is undeliverable due to site conditions; it should be extended further west; neighbours do not want to be surrounded on all sides; of loss of private views; overlooking concerns; the proposals are too vague; there are burns and streams running through the site rendering it un-developable; of overshadowing concerns; of inadequate access and traffic arrangements; significant groundworks are needed; relocation of power lines is needed; of pedestrian safety concerns; of loss of amenity; of loss of woodland and habitat; of adverse impact on wildlife, and; inadequate waste water treatment facilities. • <u>B1</u>: Objection to allocation because of loss of good croft land and suggest better alternative site to the west. • <u>Suggested New Allocations</u>: Request for affordable housing allocation of land at croft St Elmo for 1 house. Suggestion for a regeneration policy to encourage employment sites within Mallaig and in particular a water based tourism proposal at East Bay. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • <u>H3</u>: Majority request deletion of site. One landowner suggestion for extension to west. • <u>B1</u>: Strutt & Parker on behalf of Nevis Estate - delete B1 and exchange it with site to the west. • <u>Suggested New Allocations</u>: Lochaber Housing Association (allocate land for 1 house at croft St Elmo), HIE (add enabling policy regarding East Bay regeneration). 		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u></p> <p><u>H3</u>: RETAIN ALLOCATION.</p> <p><u>Reasons</u>: The northern part of the site is undeliverable according to the owners who do not wish it to be developed and has been deleted. A requirement for exceptional siting and design quality has been added in order to ensure that any new development will not overlook or overshadow nearby properties. The developer requirements cater for most of the other grounds of objection. Access, traffic and pedestrian safety issues will be dealt with at the planning application stage. The loss of private views is not a valid material consideration. In addition there are no public seaward views affected. The land west of the road is steep and might impinge on public views over open water. The principle of appropriate development on</p>		

the west side is supported within the SDA. The relevant crofting interests have not opposed the allocation.

B1: RETAIN ALLOCATION.

Reasons: The relevant crofting interests have not opposed the allocation and the land is not actively worked. The land on the west of A830(T) was part of a site option in the earlier Lochaber Futures draft but was opposed by the crofting tenant. The SDA supports the principle of infill development and redevelopment of this brownfield site in case the relevant crofting interest wishing to release the land.

Suggested New Allocations: NO CHANGE.

Reasons: The St Elmo site lies within the SDA and therefore carries a presumption in favour of development unless the site-specifics indicate otherwise. An appropriate development would be supported by the existing policy. The settlement's objectives have already been amended to reflect the potential for East Bay regeneration. A more positive allocation would not be appropriate given the landscape sensitivity of the location and the current lack of a definitive proposal and funding.

Any Further Plan Changes Commended by THC

- **H3**: None.
- **B1**: None.
- **Suggested New Allocations**: None.

Reporter's Conclusions

H3: I note that following the publication of the 2007 version of the deposit draft plan the council has decided to remove the northern arm of the H3 site as difficult building conditions make this land undevelopable. The main points made in two of the representations concern the impact the proposed housing could have on the existing residential properties in the area. Concerns were expressed regarding the loss of privacy, problems of overlooking, loss of open views to countryside, impact on existing watercourses, access difficulties, impact on amenity and inadequate infrastructure availability in Mallaig to service the site. While I appreciate the concerns of local residents, there is clearly a requirement to provide additional land in Mallaig to meet the housing needs generated by the local population and to allow for the growth of the settlement.

It is acknowledged that there is likely to be some loss of amenity for local residents when previously undeveloped land is used for housing. However, I am not persuaded that these impacts are such that they would warrant the deletion of this site. In addition, many of the matters raised can only properly be addressed when detailed proposals are made for the site. Issues such as loss of privacy and overlooking can best be dealt with once a detailed housing layout for the site is available. Similarly access issues can be considered when detailed proposals are made for the development of the site. Loss of private views from a property is not a relevant planning consideration. I note that the council's developer requirements for the site also address a number of the concerns that have been raised. The criticism that the proposals are too vague is an inevitable consequence of the nature of the local planning process. At the local plan stage it is the principle of the suitability of land for development that is under consideration. Consideration of the detailed implications of a housing development on the area and any infrastructure issues are dealt with at a later stage through the development management process.

It is noted that one representation suggests that the southern end of the site should not be developed for housing as this land is important to crofting. However, I have no indication that those responsible for safeguarding crofting interests have expressed concerns or objected to the loss of this land to development. Given the requirement to meet the demand for new housing in Mallaig, I consider that on balance the priority in this instance is to release the land for development. I am aware that an alternative site has been suggested to replace the land at the southern end of the H3 site. However, I consider that a housing development on the alternative site would be more prominently located and obtrusive. The site is steeply sloping and development on it could disrupt public views from the settlement towards the sea. I do not therefore consider that the alternative site offers a preferable development option. In any event, the land involved at the alternative site is included within the SDA for Mallaig and the possibility of some modest scale development occurring there is not precluded by the provisions of the local plan. Drawing the above matters together, I conclude that the H3 site should be retained in the local plan.

On a detailed matter, the Scottish Environment Protection Agency (SEPA) has indicated that it is important to take steps to protect significant watercourses within development areas. In the case of Mallaig there are watercourses which require protection within both the H2 and H3 sites. SEPA has indicated that it would be content for this matter to be dealt with by way of an additional Developer Requirement for the affected sites. This would state: *“To retain and integrate watercourses as natural features within the development.”* This requirement should therefore be attached to the H2 and H3 sites in Mallaig.

B1: The B1 site at Glasnacardoch is situated in an important ‘gateway’ location at the southern end of Mallaig. It is located between the railway and the A830(T) and the site extends to some 0.8ha. The site would not appear to be currently in active use for crofting or agriculture and I consider that it is well contained by the main road and the railway. I also note that this site was identified for business use in the adopted local plan. The representation suggests that an area of land to the west of the A830(T), which had been identified in the past by the council as a possible business opportunity, would be a more appropriate location for business uses and should replace the B1 site in the local plan. I am also aware that HIE has indicated that it would wish specific allocations to be made for business developments in settlements such as Mallaig.

In my opinion, the B1 site identified in the local plan is well located and provides a suitable opportunity to meet the demand for land for small scale business uses. I also consider that the B1 site offers a quality of opportunity for business uses that is at least as good as the suggested alternative site on the opposite side of the A830. I am aware that there may be problems over the availability of both sites because of the desire by the landowners or tenants to retain the land in crofting use. On this point, I note that those responsible for protecting the interests of crofting have not opposed the release of these sites. I believe that given the need to identify further land for business use in Mallaig and the lack of any obvious alternative opportunities, it is important to retain those options which do exist.

As indicated in Issues 101 and in 111 in relation to General Policy 10, those promoting new development adjacent to a trunk road will require to justify the setting aside of Transport Scotland’s policy presumption against creating new accesses onto trunk roads. The B1 site in Mallaig was one of the sites identified in Transport Scotland’s objection which falls into this category. While I am not certain whether a new junction will be required at the B1 site, for the avoidance of doubt I believe it would be prudent to include an additional developer requirement which indicated that a justification will have to be provided confirming why the Transport Scotland’s presumption against should be set aside.

Consequently, despite the uncertainty over the availability of the B1 site, I consider that it should continue to be identified in the plan for business use. The alternative site on the opposite side of the A830 is within the defined SDA boundary and the opportunity to secure

a business use on the land in the longer term therefore remains.

New Allocations:

1. The land which the Housing Association wish to have allocated as a housing site lies within the defined SDA. As such, it is covered by the terms of Policy 1 in the local plan which indicates that the council is supportive in principle for the land to be developed. Given the above and the limited scale of the land in the housing association's ownership at St Elmo, it is not in my view necessary or appropriate for this site to be specifically identified in the plan as a housing allocation. Subject to compliance with the other policies of the development plan, the local plan does not inhibit or constrain the development of the land in the ownership of the housing association for residential purposes. I therefore conclude that there is no justification for modifying the local plan to address the point made in this representation.

2. HIE wish to see specific recognition in the plan for the possible regeneration of the East Bay area for tourism and marine based activities. I also note that this potential project may involve the reclamation of land from the sea. Based on the information available to me, I consider that proposals for the regeneration of the East Bay area at a very early stage in the development process. I also note that HIE's representation contains no reference to specific development proposals or how such a project is to be funded. In these circumstances, I agree with the council that it would be premature and inappropriate to include specific references to speculative proposals concerning what may or may not happen in the future in the East Bay area.

Reporter's Recommendations

H3: I recommend that the H3 housing allocation should be retained in the local plan.

H2 and H3 sites: I recommend that a Developer Requirement should be included in the H2 and H3 sites stating: "*To retain and integrate watercourses as natural features within the development.*"

B1 Site: ." I recommend that an additional developer requirement should be added to indicate: "*Where a new junction onto the trunk road is proposed in order to gain access to the site, a justification will have to be provided confirming why the presumption requires to be set aside.*"

New Allocations: No modifications.

Issue (ref and heading):	46. MORAR	Reporter: Iain Lumsden
Development plan reference:	Morar – General Comments, H1 (North of Achnaluin), H2 (Beoraid (South)), MU (East of cemetery/Loch Morar), C2 (Cemetery), Text MB44 – Map LO30 MB 45	
Body or persons submitting a representation raising the issue (reference no.):		
<ul style="list-style-type: none"> • <u>General Comment</u>: Morar Community Council (CC)(468) • <u>H1</u>: Transport Scotland (859) • <u>H2</u>: Scottish Environment Protection Agency (SEPA) (446), Strutt & Parker on behalf of Nevis Estate) (584), Strutt & Parker on behalf of Loch Morar Association (592), A. & M. Maclean (462), Morar CC (468) • <u>MU</u>: Strutt & Parker on behalf of Nevis Estate (584), Strutt & Parker on behalf of Loch Morar Association (592) • <u>C2</u>: A. & M. Maclean (462), Morar CC (468) 		
Provision of the Development Plan to which the issue relates:	General Comments, H1, H2, MU, C2 Allocations	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> • <u>General Comment</u>: Community Council believe that insufficient land for housing with realistic potential for development has been identified to reverse the current decline in population and economy. Also foul drainage improvements should be progressed. • <u>H1</u>: Objection because deliverability of access from the local road network should be proved before the adoption of the plan. • <u>H2</u>: Objections because: of adverse impact on views over open water; only low density would be acceptable; of adverse impact on landscape, and; there is no acceptable private foul drainage solution. Landowner wants extension to H2 because: the land is available; there is an absence of alternatives; development will promote growth in the village; part of the site was allocated for housing before, and; development will help reverse the trend of declining and ageing population and improve the local economy. • <u>MU</u>: Objections because of the adverse impact of development on views over open water and suggest that there is a better; alternative site. • <u>C2</u>: Objections because of inadequate consultation on burial ground extension and that the landowner is unwilling to release land for the cemetery expansion. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • <u>General Comment</u>: lobbying policy to achieve better wastewater investment and more effective housing allocations (implied). • <u>H1</u>: Transport Scotland want deletion of site or local road network access • <u>H2</u>: SEPA want public sewer connection requirement; landowner wants extension of site. Part deletion of site. • <u>MU</u>: Delete site or change use. • <u>C2</u>: Delete site. 		
Summary of response (including reasons) by planning authority		
<u>Response(s) & Reasons</u>		
<ul style="list-style-type: none"> • <u>General Comment</u>: NO CHANGE. The Plan already allocates sufficient land for the size of the community, environmental constraints and in relation to infrastructure capacities. There is already an objective to lobby for enhanced public sewerage provision. The Council continues to work with Scottish Environment Protection Agency (SEPA) and Scottish Water to progress schemes across Highland. • <u>H1</u>: RETAIN ALLOCATION. There is an outline planning permission granted for one house on the southern half of site H1 which is proposed to have access from the trunk 		

road whilst the northern half is covered by an agricultural notification for a shed and a full planning permission for one house accessed via the local road network (junction west of the hotel). The Plan content has already been amended to make clear there is no preference for trunk road access. That said access from the local road network will be very problematic given the recent pattern of consents and development.

- **H2: RETAIN ALLOCATION.** Site H2 already has 4 planning permissions. There is a fifth planning permission for the land East of the northern preferred access. See commended change below re. public sewerage. The site already has 2 planning consents for the north and the east side. There is an adequate supply of housing land already allocated and there is no demand argument to justify the size of the proposed extension. A requirement for careful siting and high quality design will ensure that any intrusion on important public views will be minimised. The objectives promote a comprehensive approach to wastewater treatment issues in Morar. The Plan allocates for a sustainable mix of uses within the community and also, wherever possible to avoids the allocation of good, actively worked croft land.
- **MU: RETAIN ALLOCATION.** A requirement for exceptional siting and design quality will ensure that the development is integrated within the existing landscape while a flood risk assessment will also be required to address that issue. The relevant crofting interests have not opposed the allocation. Furthermore, the acceptable uses of the site provide for open ground proposals which would not have a detrimental effect on views over Loch Morar.
- **C2:** The Beoraid cemetery will require expansion within the Plan period given current and projected demand for lairs and therefore it is appropriate to allocate for that need. The allocation of land for the expansion of cemeteries does not merit any more consultation than that for any other allocation.

Any Further Plan Changes Commended by THC

- **General Comment:** None
- **H1:** None.
- **H2:** ADD developer requirement for “public sewer connection”.
- **MU:** None
- **C2:** None.

Reporter’s Conclusions

General: Morar has a population of approximately 106 and between the years 2000 and 2007 the council has indicated that some 10 new houses were completed in the settlement. In this context, I consider that the local plan identifies a more than generous housing land supply to meet any likely future demands in the plan period and beyond. Based on the information available to me, it would appear that the H2 site, which has an indicative capacity for some 30 units, has realistic prospects of being developed. Consequently, I do not consider that there is adequate justification for identifying further land at Morar for housing in the local plan. Proposals to improve infrastructure provision in the village are still under consideration and the resolution of these matters will also have an effect on the scale of development that can be accommodated satisfactorily in environmental terms.

H1: I note that Transport Scotland (TS) has expressed concern that the council has failed to demonstrate how this site, which has a stated capacity for some 16 houses, is to be accessed. TS have indicated that it would wish the site to be accessed from the local road network and not the trunk road. As the council has indicated, access from the local road network will be difficult to achieve. This is because of: (i) the presence of the railway line which prevents direct access from the east to the local road network; and, (ii) the constraints which exist to gaining access to the site from the existing built-up area as a result of the presence of existing properties and the further limitations caused by extant planning permissions. In these circumstances I am not persuaded that the H1 site can be considered to be effective or likely to be developed in the plan period. While I appreciate that planning

permission has been granted for 1 house on the northern part of the site I do not believe that this is sufficient to justify the identification of the balance of the site for housing at this stage. Given the major uncertainties associated with the provision of satisfactory access to this site and the difficulty of linking any development to the rest of the village, I consider that it would be premature to identify the H1 site as an effective housing opportunity in the local plan. The land should remain within the SDA and it may be possible to accommodate some housing within the area, subject to achieving adequate access and meeting other planning requirements.

H2: This site is located within an Area Of Great Landscape Value and close to the banks of Loch Morar, which is a Site of Special Scientific Interest (SSSI). The site is largely screened from the road that runs along Loch Morar by the existing houses and a recent housing development. It has also been indicated that planning permissions have been granted for houses on the northern and eastern edges of the H2 site. Concerns have been raised regarding the loss of this land from crofting use. However, I note that no objection has been made to the proposed loss of this land from those with the responsibility for safeguarding the crofting interests. I also note that representations have been made to the allocation of the northern part of the site. However, I consider that this allows access to be taken from the minor road at the north end of the site and would open up an additional area of land for housing. It would also assist in improving the integration of the new houses with the rest of the village. I am also aware that the council has indicated that planning permission has already been granted for a house on this northern part of the H2 site and partly on the adjoining C2 site. As indicated below, I consider that the balance of the land in Site C2 not required for the extension to the burial ground should be included within an enlarged H2 for housing use.

Drawing all the above matters together, while it is acknowledged that this site is located in a sensitive location, I believe that in terms of the opportunities available to meet the need for additional housing in Morar, the H2 site represents the option that is likely to have the least damaging impact on visual amenity and the landscape quality of the area.

On a separate matter, SEPA has raised concerns regarding the importance of providing satisfactory arrangements for the treatment of foul drainage. The general issues regarding waste water treatment are dealt with in this report under Issues 101 and 108 (Policy 7). Because of its concerns on this issue, SEPA indicated in its initial representations that it objected to the identification of a number of sites, including the H2 site in Morar. SEPA has subsequently indicated that it would be prepared to withdraw these objections provided a Developer Requirement was attached to the sites involved indicating that the development should be connected to the public sewer where it is technically and economically feasible to make such a connection. As this site is one of the sites identified by SEPA, an additional developer requirement regarding public sewer connections should be attached to the site.

I note that SEPA has also indicated that the proposed developer requirements regarding the H2 site does not include reference to the need to retain and integrate the watercourse which runs through the site. In order that the water environment is adequately protected SEPA has indicated that the following wording should be added to ensure that watercourses are retained and integrated as natural features within the development. I consider that it would be appropriate to add this wording to the Developer Requirements for the H2 site. The general policy position regarding this matter is dealt with under Issue 101.

MU Site: This site is located within an Area of Great Landscape Value and very close to the banks of Loch Morar, which is a Site of Special Scientific Interest (SSSI). Furthermore, an area of nationally significant woodland, which is included in the Inventory of Ancient Woodlands, lies to the north east. This open site is therefore in a sensitive location and any

development on it would require to be treated extremely carefully. In the plan it is indicated that the acceptable uses on the site would be recreation and community uses, with the provision of additional open space being a developer requirement. The need for exceptional siting and design quality in any buildings erected on the site is also recognised as being a developer requirement. I consider that provided any built development is kept well back from the edges of this site which border the roads and the loch and a landscaping scheme is implemented to screen the site from the roads, it should be possible to accommodate modest scaled buildings on the land without impinging materially on the visual amenity and landscape quality of the area. I also consider that the site should only be used for a low density form of development with the retention of significant areas of open ground. I note that there has been no objection to the loss of this land from crofting use from those with the responsibility for safeguarding the crofting interests.

It has been suggested that an alternative location for the proposed uses would be at the northern end of the village next to the junction with the A830(T) and next to the OS allocation and the C1 site. However, I consider that this land is in a prominent and visually conspicuous location when viewed from the trunk road. Development on this open site would in my opinion detract significantly from the overall appearance and character of the village and be detrimental to the landscape quality of the area. I do not therefore consider that the MU allocation should be transferred to this site. I therefore conclude that the MU site should be retained, subject to the inclusion of additional developer requirements.

C2: I note that the council has indicated that additional land will be required for an extension to the cemetery at Beoraid within the plan period. I therefore agree that it would be appropriate to identify some additional ground to meet this need. In addition, I believe that in planning terms there is logic in locating any such extension adjacent or close to the existing cemetery. The C2 site identified in the local plan extends to some 2.2ha and, apart from the existing cemetery and its proposed extension, no other land use is mentioned as being an acceptable alternative form of development on this large site. I consider that the area of land proposed for the extension to the cemetery is greatly in excess of that necessary to meet likely needs in the foreseeable future. In the adopted plan a site extending to some 0.8ha at Beoraid was identified as the site of the new burial ground and an area for an extension on the adjoining land to the south west. Only approximately 40% of the site identified in the adopted plan is presently in uses as a burial ground. I therefore believe that the more limited area shown in the adopted plan should be identified for the cemetery and burial ground extension and that the balance of the C2 site should be included within the SDA but not allocated for a specific use.

Reporter's Recommendations

General: No Modifications.

H1: I recommend that the H1 housing allocation should be deleted from the plan. The land should be retained within the SDA.

H2: (i) I recommend that additional developer requirements should be included which would state: (i) *"Any development on the site should include a connection to the public sewer where it is technically and economically feasible to make a connection."*; and, (ii) *"To retain and integrate watercourses as natural features within the development."*

C2: I recommend that a reduced area of some 0.8ha should be identified under C2 for use as a cemetery and burial ground extension. (See the area identified for this use in adopted local plan.) The balance of the C2 site should remain within the SDA.

MU Site: I recommend that the MU site should be retained subject to the inclusion of additional developer requirements which indicate: (i) *"Any built development must be kept well back from the edges of this site which border the roads and the loch."*; and, (ii) *"A landscaping scheme should be prepared for the site to mitigate the visual impact of development when viewed from the adjacent roads."*

Issue (ref and heading):	47. ARISAIG	Reporter: Iain Lumsden
Development plan reference:	Arisaig – H2 (Station Road (West)), Settlement Development Area (SDA) at Station Road East, C (Centre Parks), H1 (North Parks), Waste Water & Flood Risk Text MB 46 – Map LO31 MB 47	
Body or persons submitting a representation raising the issue (reference no.):		
<ul style="list-style-type: none"> • <u>H2</u>: A. Westwood (419) • <u>SDA at Station Road East</u>: A. Westwood (419) • <u>C</u>: K. Stevenson (387), S. E. Moon (614), Mrs Rollison (910), M. Wayeneur & R. Dyer (977) • <u>H1</u>: Bidwells on behalf of Mr and Mrs E. D. MacMillan (landowners) (972) • <u>Waste Water & Flood Risk</u>: SEPA (446) 		
Provision of the Development Plan to which the issue relates:	Allocations H2, SDA & Former H3, C and H1, and Waste Water & Flood Risk	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> • <u>H2</u>: neighbour objection in principle to any development because of the inadequate access, inadequate water pressure, loss of residential amenity and site has too steep a gradient. • <u>SDA at Station Road East</u>: neighbour objection in principle to any development on this land because of the inadequacy of Station Road as an access, inadequate water pressure, the loss of fruit trees, the loss of residential amenity and the steepness of the land. Although the previous housing allocation on this land has been deleted the area concerned has been retained within the SDA which carries a presumption in favour of development. The Council believes that the objector is unlikely to accept this policy presumption and has therefore treated the confirmed objection as unresolved. • <u>C</u>: resident objections to development because of: loss of rural character; the lack of any indigenous demand for housing; the fact that the site should be open space to retain the rural nature of the village enjoyed by residents and visitors alike; adverse impact on tourism; loss of grazing; loss of open space; the site being unsuitable for a school because the local roads cannot cope with extra traffic and the danger to children; the fear of increased crime; a better school site being available along the road to the cemetery or on the Rhu Road; there being no need for a school, and; there being a perfect and safe footpath to the existing school next to the church. Housing development interest in south west part of site because: it would meet a local need; there is no need for community uses; it would assist with population retention; the principle of development is already established; of the lack of a capital programme commitment to the new school; of a willing landowner; only part of the allocation is required for housing, and; the offer of high quality design. • <u>H1</u>: landowner requests extension of existing housing site because it would round off existing development. • <u>Waste Water & Flood Risk</u>: objection to unacceptable coastal & fluvial flood risk and the need for public sewer connections to minimise the pollution risk to the water environment. • 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • <u>H2</u>: deletion of any development potential on site (implied). • <u>SDA at Station Road East</u>: deletion of any development potential on site (implied). 		

- C: majority seek no development potential on site and reservation as croft land (implied). Pro-development party seeks housing allocation on land at south west corner of site (implied).
- H1: extension of allocation to north.
- Waste Water & Flood Risk: public sewer connection requirement for all allocations, deletion of allocation areas that fall within the 1 in 200 year flood risk areas or a statement that only water related uses will be supported within such areas.

Summary of response (including reasons) by planning authority

Response(s)

- H2: RETAIN ALLOCATION. See sewerage requirement commended change below.
- SDA at Station Road East: NO CHANGE.
- C: RETAIN ALLOCATION. See sewerage and pedestrian connection requirements commended changes below.
- H1: EXTEND SDA. See detail of commended change below.
- Waste Water & Flood Risk: AMEND AS REQUESTED. See detail of commended changes below.

Reasons

- H2: The site has already been reduced in capacity and had its developer requirements strengthened. The site already has one single house planning consent granted and 5 others recommended for approval pending a section 75 (or other) agreement for most of its land which require suitable road improvements. The reduction of the site's capacity will also minimise local traffic impact. Residential amenity issues can be addressed by the appropriate layout of future development. Scottish Water has confirmed that there is adequate water and sewerage capacity for the Plan's allocations.
- SDA at Station Road East: The site may still come forward for development but suffers from ownership constraints that at present constrain the design and formation of a feasible access to the local road network and then to the trunk road. The Council has therefore removed the benefit of a specific housing allocation but has left the land within the SDA because it believes that it is still suitable, in principle, for development. This is an appropriate infill area within Arisaig and subject to appropriate access, layout and density should still carry a presumption in favour of development.
- C: The site is safeguarded as greenspace. If and when the funding can be identified for a primary school in a more sustainable and safer village centre location it would then be acquired for that purpose. There is adequate housing development potential on the allocated sites and elsewhere within the unconstrained parts of the SDA. Piecemeal development of the community site for housing would be detrimental to its greenspace function and potential community hub role. The site's location is the optimum for sustainable active travel to and from the school. Development of the site would not compromise significant public views. The location of the site also caters for surveillance from adjacent properties thus making it a safer place for a primary school. The land will be retained in agricultural use in the interim.
- H1: This minor extension to the SDA would round-off approved development which is presently under construction. However, extension of the housing allocation is not appropriate in that it may prompt a higher density proposal.
- Waste Water & Flood Risk: amendments are required to address flood and pollution risk concerns. Extension of public sewerage shouldn't cause economic or technical feasibility issues for potential developers.

Any Further Plan Changes Commended by THC

- SDA at Station Road East: None.
- C: ADD developer requirement for “footpath connections to surrounding residential areas”.
- H1: EXTEND SDA to include suggested plot.
- Waste Water & Flood Risk: ADD developer requirement for public sewer connection to all allocations. ADD developer requirement to MU allocation “flood risk assessment will be required, built development to avoid flood risk area. Only water-related or harbour uses would be acceptable within flood risk areas”. REDUCE B allocation to exclude land within the 1 to 200 flood risk boundary.

Reporter’s Conclusions

H1: The suggested extension of the boundary of the H1 site northwards to the burn would appear logical and appropriate. The burn is an obvious natural feature which would provide a defensible and clear edge to the development and the settlement. I note that the council is content for this change to the SDA boundary and H1 site to be made. I conclude that the plan should be modified to incorporate the additional small area of land between the existing H1 boundary and the burn, as shown on the plan submitted with this representation. The council has acknowledged that in response to SEPA’s concerns regarding satisfactory waste water treatment, an additional developer requirement should be attached to this site. I agree that this should be done and this is dealt with below in the recommendations.

H2: It is noted that the indicative capacity of the H2 site has been reduced from 15 units to 8 units since the consultative draft version of the plan was produced. The council has also indicated that outline planning permission has now been granted for 6 house plots on the site. I am also aware that part of this site was identified in the adopted local plan for business use. In these circumstances, I consider that the principle of development on the H2 site has already been established. A number of the points raised in the representation concern detailed matters that can more appropriately be addressed through the development management process. I do however note that the council has stated that Scottish Water has indicated that a satisfactory water supply can be provided to the site and that there is adequate sewerage capacity available. I therefore conclude that the H2 Site is an appropriate location for housing and that it should be retained in the local plan.

As indicated above in connection with the H1 site, in response to SEPA’s concerns regarding satisfactory waste water treatment, it is necessary for an additional developer requirement to be attached to the H2 site regarding public sewer connections.

SDA Boundary at Station Road: It is noted that since the consultative draft plan was published the land at Station Road, which was identified in that plan as the H3 site, has been deleted as a housing allocation. In the deposit version of the plan the land is included within the SDA boundary for Arisaig, but it is no longer specifically identified as a housing opportunity. I am also aware that in the adopted Lochaber Local Plan an area of 1.9ha was allocated for housing at Station Road. This site covered approximately the same area that was identified as H3 in the consultative draft WHILP. Given the existing houses in the area to the north of the A830(T) at Station Road and the recent planning history, I consider that it is appropriate for this land to be identified as being within the SDA boundary for Arisaig. This does not imply that all the land included within the SDA at this location is necessarily capable of being developed or that it will be developed within the plan period. I am also aware that parts of this land may not be available for development because of landownership constraints. I appreciate that concerns have been raised regarding access,

water and sewerage provision and impact on amenity. However these issues can be dealt with if and when planning applications are submitted for development in this area. I conclude that the land to the north of the A830(T) at Station Road should be retained within the SDA boundary for Arisaig.

C Site: It is noted that in the consultative draft plan this site was identified as MU2, with the acceptable uses being stated to be community uses and open space. In the deposit version of the plan the land at Centre Parks is identified as Site C and it is indicated that suitable uses would be a primary school and a recreation area. I am also aware that in the local plan the settlement objectives for Arisaig state that the Centre Parks area is to be retained in its current grazing use with a view to considering the land in the future as an option for a primary school. In addition, the council in its response to these representations has indicated that the site is to be safeguarded as greenspace and only if and when funding can be identified for a new primary school would the land be acquired for that purpose. The council has also indicated that in the interim the land will continue in agricultural use.

On the basis of the above, I am not persuaded that there is any realistic prospect of the land within Site C being required for a primary school within the local plan period or in the foreseeable future. The council has not included such a proposal within its capital plans and there is no realistic prospect of funding being made available from other sources in the short to medium term. Furthermore, the council has acknowledged that this site would only be one of the options to be considered for the school. In the future other sites may therefore prove to be preferable options for the primary school. There is therefore no certainty that this site will be required for the proposed school. Given the level of uncertainty, I consider that it is premature and unnecessary to identify the site for such a use at this time. In addition, it is clear that the council accepts that the site should be safeguarded as 'greenspace' and that its current use for agriculture should continue. Taking all the above matters into consideration, I conclude that it would not be appropriate at this time to identify the C site for a primary school and recreation area.

I acknowledge that the land plays an important role in retaining the rural character and amenity of the village and that it should be safeguarded from piecemeal development. In order to ensure that this does not occur, I consider that the site should be retained in its current use as an area of agricultural grazing parks within the settlement. With respect to the definitions in the local plan, I note that 'Open Space' includes "*Areas of public open space within SDAs which are greenspace cherished by the local community and which the local plan specifically identifies in order to safeguard them from development.*" I consider that this definition covers the situation that exists on this site and that it should therefore be identified in the plan as Open Space.

I note that one of the representations seeks to have an area in the south western part of the site near the road identified as a housing opportunity for local people. On this point, I consider that identified housing sites in the plan provide a more than adequate supply of land for housing within the settlement. While it is appreciated that there is a need to make provision for affordable housing for local people, I believe that this can be achieved within the opportunities identified as part of the allocated housing sites. In these circumstances and given the important contribution which the Centre Parks area makes to the attractive open appearance and character of the village, I do not consider that it is necessary or appropriate for the local plan to identify land in this location as a potential housing opportunity.

As I consider that the C site should be considered as open space, the concerns expressed by SEPA regarding the provision of satisfactory waste water treatment facilities would no longer apply to the site.

Waste Water & Flood Risk: SEPA's has raised concerns regarding the provision of satisfactory provision for waste water treatment in relation to the development of Sites C, MU, H1 and H2. As indicated above, it is recommended that Site C should be deleted and replaced with an Open Space allocation. I have dealt with Site H1 above. The concerns regarding the need for a public sewer connection from this site no longer apply. The general issues regarding waste water treatment are dealt with in this report under Issues 101 and 108 (Policy 7). With respect to Sites H2 and MU, I believe that the requirement to make provision for a connection to the public sewer should be dealt with by way of an additional developer requirement on each site. This is addressed below in the Reporter's Recommendations.

In addition, SEPA has raised concerns regarding the flood risk affecting Sites MU and B in Arisaig. It has been agreed that this matter can be satisfactorily dealt with by attaching an additional developer requirements regarding flooding on these sites. With respect to Site B, the council has agreed that the area of this site should be reduced to exclude any land that falls within the medium to high flood risk area, i.e. land that has a 1 in 200 or greater annual probability of flooding. These matters are dealt with in the recommendations below.

Reporter's Recommendations

H1: I recommend that (i) The SDA boundary and the H1 site boundary should be modified to incorporate the small additional area of land lying between the existing H1 boundary and the burn. (ii) An additional developer requirement should be added indicating: *"Any development on the site should include a connection to the public sewer where it is technically and economically feasible to make a connection."*

H2: I recommend that the H2 Site should be retained in the local plan.

SDA Boundary at Station Road: I recommend that the SDA boundary proposed in the plan relative to the land to the north of the A830(T) at Station Road should be retained.

C Site (Centre Parks): I recommend that the Community Use allocation identified for the site should be deleted and replaced with an Open Space allocation.

Waste Water & Flood Risk:

1. I recommend that additional developer requirements should be attached to Sites H2 and MU stating: *"Any development on the site should include a connection to the public sewer where it is technically and economically feasible to make a connection."* (ii) I recommend that additional developer requirements should be attached to Site MU stating: *"Flood risk assessment will be required, built development to avoid flood risk area. Only water-related or harbour uses would be acceptable within flood risk area."*

2. I recommend that additional developer requirements should be attached to Site B to indicate that: *"Flood risk assessment will be required, built development to avoid flood risk area. The site boundaries should be amended to exclude those parts which lie within the medium to high flood risk area (i.e. a 1 in 200 or greater annual probability of flooding)."*

Issue (ref and heading):	48. GAIRLOCHY	Reporter: Iain Lumsden
Development plan reference:	Gairloch – All Housing Allocations, H2 (Lochside), H3 (North of Mucomir), H4 (South of Mucomir), H5 (Caravan Park (North)), Land at Caravan Site Text MB50 – Map LO34 MB 51	
Body or persons(s) submitting a representation raising the issue (reference no.):		
<ul style="list-style-type: none"> • <u>All Housing Allocations</u>: P.J. Browne (252), J. Higginbotham & H. Gillanders (541), D. & K. Dewar (570) • <u>H2</u>: D. MacKenzie MacNicol (283) • <u>H3</u>: W. Skene (81), D.F.W. MacDiarmid (281), J. Higginbotham & H. Gillanders (541), H. MacLean (567), D. & K. Dewar (570) • <u>H4</u>: W. Skene (81), H. MacLean (567), D. & K. Dewar (570) • <u>H5</u>: Scottish Environment Protection Agency (SEPA) (446) • <u>Land at Caravan Site</u>: I. Stevenson (11) 		
Provision of the Development Plan to which the issue relates:	All Housing Allocations (H1-H6) & Land at Caravan Site	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> • <u>All Allocations</u>: Resident objections to development because of: major visual intrusion; the sites are not in the original 1985 Fort William plan or in the 1992 revision; adverse impact on tourism; inadequate road and school capacity; conflict with proposals to designate part of Lochaber as a National Park; the development being contrary to the settlement pattern; adverse impact on historical sites; no public transport or shops; non-car traffic safety problems; increased light pollution, adverse visual impact on the area's rural setting, and; the need for development to be kept on the north side of the road to preserve views. • <u>H2-specific</u>: Resident objections to development because of: adverse impact on the area's rural setting; loss of rural character; adverse impact on protected species and habitats; loss of woodland; increased light pollution; road inadequacy; adverse impact on Great Glen Way, and; loss of the Great Glen Way informal car park. • <u>H3-specific</u>: Resident objections to development because of: loss of privacy/overlooking; poor drainage; the high water table; the lack of septic tank/soakaway capacity; increased noise & light pollution; the likely interruption to road access and services; inadequate road capacity and access; the track to Rathtulaich should be adopted by the developer; inadequate water and wastewater provision and the adverse effects on fisheries; development being contrary to the Adopted Lochaber Local Plan; the land being peat bog and rock crossed by watercourses; the rock requiring blasting; the steep gradient of the site; the need for a new sub-station; adverse effects on tourism; adverse impact on wildlife; the loss of farmland; the loss of rural character; adverse landscape impact; better alternative sites between the forest and the road further up the B8004; no infrastructure or community facilities; no street lighting; no pavement; pluvial flood risk; no speed limit; inadequate school capacity; no GP surgery, shop or public hall; depreciation of property, and; the public expense of upgrading service networks. • <u>Common to H3, H4, H5, H6</u>: Resident objections to development because of: loss of amenity of adjacent properties; visual blight on northern exit to the Spean Gorge SSSI, and; adverse impact on the tourist appeal of the Commando training area. • <u>H4-specific</u>: Resident objections to development because of: the need for the roofline 		

of development to be below that of the hills on the south side of the river Spean, adverse impact on the SSSI; the lack of a justification when readily developable land under the same ownership has not yet been developed; development not being in keeping with established the settlement pattern; loss of riverside woodland, pluvial flood risk; poor ground conditions; development being contrary to the Adopted Lochaber Local Plan; the high water table; the lack of septic tank / soakaway capacity; increased noise & light pollution; adverse landscape impact; inadequate road capacity and access; adverse impact on public views and setting of Great Glen Way; inadequate water and wastewater provision and effects on fisheries; a new sub-station being needed; adverse impact on wildlife; adverse effects on tourism; loss of farmland; loss of rural character; better alternative sites being available between the forest and the road further up the B8004; no infrastructure or community facilities; no street lighting; no pavement; no speed limit; inadequate school capacity; no GP surgery, shop or public hall; depreciation of property, and; the public expense of upgrading service networks.

- H5-specific: Scottish Environment Protection Agency (SEPA) objection because of flood risk.
- Land at Caravan Site: SDA should enclose latest planning consent boundary.

Modifications sought by those submitting representations:

- All Housing Allocations: Deletion of all allocations and removal of undeveloped land from SDA (implied).
- H5-specific: Addition of stronger flood risk developer requirement.
- Land at Caravan Site: SDA should enclose latest planning consent boundary - i.e. include more land east of Business Allocation.

Summary of response (including reasons) by planning authority

Response(s)

- All Housing Allocations: RETAIN ALL EXISTING ALLOCATIONS.
- H5-specific: ADD flood risk requirements. See detail of commended changes below.
- Land at Caravan Site: AMEND SDA to include area consented at time of post Examination draft of Plan.

Reasons

- All Housing Allocations: There are extant planning consents as follows: H1 (2 houses), H2 (4 houses) and H4 (4 houses). The objectives for Gairloch recognise the importance of the natural and built environment and ensure the provision of high quality design and careful siting and layout of any new development. Considering the small scale of development proposed, the Council believes there will be no significant road and bridge network capacity issues especially given that the settlement is served by a loop road. The Council accepts there is a potential capacity issue in the Spean Bridge primary school in the future and is considering possible solutions. However, the scale of development proposed for Gairloch will not have a significant impact on the school's future roll. Adequate surface water drainage arrangements are a requirement for all sites via the application of the Plan's general policy on this issue. The objectives for Gairloch address the concerns over insensitive siting and design in respect to the SSSI and candidate AGLV. Privacy and nuisance concerns will be addressed via appropriate layout at the planning application stage. Scottish Water have confirmed that there is no capacity at the septic tank in Gairloch but private systems should be acceptable and Scottish Environment Protection Agency (SEPA) have not maintained

objections to the sites on waste water grounds. There are no known water capacity issues. The local plan has to provide sufficient land potentially available for development in order to accommodate for the settlement's growth and for choice. The objectives cater for the protection of recognised tourist views. The land identified is not essential to the working of an particular agricultural unit. The loss of peat bog is relatively insignificant in comparison to the resource within Highland and there is no Scottish Natural Heritage (SNH) objection on any site. The loss of private views and perceived depreciation in property values are not valid material planning considerations.

- H2-specific: The site is cleared of most of its woodland. The additional developer requirements will enhance any existing habitats and safeguard the existing informal car park. Considering the scale of development proposed, the Highland Council does not accept any capacity issues regarding B8005. An outline planning consent has now been granted for 4 houses on the site.
- H3-specific: Potential light pollution will be mitigated by an intervening tree screen. Scottish Environment Protection Agency (SEPA) does not confirm any flooding issue.
- H4-specific: the land is allocated subject to flood risk requirements.
- Land at Caravan Site: There is an extant planning consent and a similar application pending consideration on the land at the caravan site. It would be appropriate for the Plan to reflect the boundary of the latest extant consent.

Any Further Plan Changes Commended by THC

- Housing Allocations Other than H5: None.
- H5-specific: Add developer requirement "Flood Risk Assessment will be required, built development to avoid flood risk area".
- Land at Caravan Site: AMEND SDA to include area consented at time of post Examination draft of Plan.

Reporter's Conclusions

All Allocations: I have dealt below in detail with the H2, H3, H4 and H5 sites. For the reasons set out below I have found that these sites should be retained in the plan. With respect to the H1 site, I note that there is an extant planning permission for the erection of 2 houses on the site. The local plan proposes that the site should be allocated for housing with an indicative capacity of 2 units. As this is consistent with the planning permission granted for the site and as the site is clearly within the defined settlement boundary, I consider that this allocation is appropriate and should be retained in the local plan. In terms of the Business site (Site B), this is a very small site (0.1 ha) which is located close to the existing Caravan Site and at the point at which the Caledonian Canal enters Loch Lochy. I note that there remain issues concerning access to the site, protection of the ancient woodland and the risk of flooding. All these matters are addressed in the Development Requirements for the site. Subject to satisfactory resolution of the outstanding issues through the development management process, I consider that it is appropriate to identify this small site to allow for the possible provision of employment opportunities associated with the canal.

H2: This site has been the subject of extensive tree felling operations and preparatory site works have also been undertaken to provide development platforms on the steep hill slopes in advance of residential units being constructed. I also note that the council has granted outline planning permission for 4 houses on the site. While it is appreciated that the area may contain habitats of significance to nature conservation and that a number of important specimen trees remain on the site, I consider that the allocation of this site in the local plan is consistent with the planning permission recently granted by the council. In

these circumstances, I do not believe that it would be appropriate to delete the site from the plan. Given the number of houses involved, I also do not consider that this level of development would significantly increase the traffic on the adjacent minor road (the B8003). Detailed concerns regarding the retention of important trees within the site, car parking and footpath routes are matters that can best be addressed through the development management process and the consideration of planning applications for the individual houses. I conclude that the H2 site should be retained in the local plan.

H3: This site is allocated for housing in the adopted local plan. In the adopted plan the H3 site together with the land on the opposite side of the minor road and adjacent to the buildings at Mucomir are stated to have an indicative capacity of 12 units. Many of the points made in opposition to the allocation of this site relate to detailed matters such as loss of amenity, impact on privacy and overlooking, the need for an improved access and light pollution. I consider that such matters are more appropriately addressed through the development management process when detailed proposals for the erection of houses on the site are submitted. Similarly, concerns regarding water supply, sewerage treatment and impact on the local road system will need to be considered further by the relevant authority when detailed proposals are made for the site. I appreciate that the introduction of new development into small rural settlements is likely to have some adverse effects. However, this has to be balanced against the wider community benefits of providing new housing to meet local needs. In this case, I consider that the principle of housing on the H3 site is acceptable and appropriate. I do however have concerns over the indicative capacity of 10 units stated in the local plan. As indicated above, the indicative capacity of a significantly larger site in the adopted plan was 12 units. In my view, the appropriate indicative scale of development in this location on the reduced H3 site should be 6 units.

H4: The council has indicated that planning permission has been granted for the erection of 4 houses on the H4 site. As with the representations made on the other housing sites in Gairloch, most of the points raised relate to detailed matters which I consider can be satisfactorily addressed through the development management process when specific proposals are made for the site. I also note the concerns that have been expressed regarding the impact of development on the Site of Special Scientific Interest (SSSI). However, I am aware that the site was designated for its geological/geomorphological interest and I believe that provided appropriate conditions are attached to the grant of planning permission these features should not be significantly affected by the proposed housing. In addition, I note that Scottish Natural Heritage (SNH) has not objected to the proposed houses. Furthermore, given the scale of the proposal (4 units), I am not persuaded that its development, either on its own or cumulatively with other sites in Gairloch, would have a material effect on the levels of traffic on the local road system. I also do not believe that the proposed houses would significantly detract from the attractiveness of the area to tourists. Consequently, I conclude that the H4 site should be retained in the local plan.

H5: SEPA has indicated that it has concerns regarding the identification of the H5 site because it lies either partially within or adjacent to an area that has been identified as being within the 1 in 200 year return flood return period (a Category 2 site). However, SEPA has also indicated that its opposition to the allocation of the site would be overcome provided that the Developer Requirements for the H5 site were modified to include the wording "*Flood Risk Assessment will be required, built development to avoid flood risk area.*" The council has indicated that it accepts that this additional developer requirement should be included in the plan. The issue of development in flood risk areas is dealt with in more detail in Issues 101 and 108 (Policy 7).

SDA Boundary at the Caravan Park: The council has acknowledged that the SDA boundary at the caravan park as defined in the local plan does not include an area of land

for which planning permission for the erection of 6 holiday units was granted in September 2009. I consider that as the land benefits from the grant of planning permission the principle of development on that particular part of the site has been established. In these circumstances, I believe that it would be appropriate to amend the boundary to include the area of land that was covered by the planning permission granted in September 2009.

Reporter's Recommendations

All Allocations: I recommend that no modifications should be made to the plan in response to these representations other than those minor changes set out below.

H2: No modifications.

H3: I recommend that no change should be made to the boundaries of the H3 site, but the indicative capacity of the site should be reduced from 10 units to 6 units.

H4: No modifications.

H5: The developer requirements for the site should be modified through the addition of the following wording: "*Flood Risk Assessment will be required, built development to avoid flood risk area.*"

SDA boundary at the Caravan Park: I recommend that the SDA boundary should be modified to include the land that has recently been granted planning permission for holiday units. (This is shown on the plan produced by the council in response to my request for further information.)

Issue (ref and heading):	49. SPEAN BRIDGE	Reporter: Iain Lumsden
Development plan reference:	Spean Bridge – General Comments, Suggested New Allocations, AH (Morrison Avenue), H1 (Redevelopment of haulage depot (and possibly Little Chef)), MU1 (Burn Bank) MU2/LT2 (Opposite Little Chef) Text MB 52 – Map LO35 MB 53	
Body or persons submitting a representation raising the issue (reference no.):		
<ul style="list-style-type: none"> • <u>General Comments</u>: A. Robinson (695), Scottish Natural Heritage (SNH) (697), P. & R. Dart (533), M. Roady (277), Mr & Mrs W. Maclachlan (715), Glen Spean & Great Glen Tourism marketing Group (304), Highland & Islands Enterprise (HIE) (495) • <u>Suggested New Allocations</u>: Ferguson Transport (20) • <u>AH</u>: J. Andrews (470) • <u>H1</u>: V. Millen (176), M. Roady (277), B. & M. Ham (243) • <u>MU1</u>: P. & R. Dart (MU1, MU2, General Comment) (533), Glen Spean & Great Glen Tourism marketing Group (304) • <u>MU2/LT2</u>: P. & R. Dart (533), Mr & Mrs W. Maclachlan (715), M. Roady (277), Glen Spean & Great Glen Tourism marketing Group (304), G. F. Rivett (75), B. & M. Ham (243), M. Tregaskis (903), K. Louguray (976) 		
Provision of the Development Plan to which the issue relates:	General Comments, Suggested New Allocations & Allocations AH, H1, MU1, MU2/LT2, H2 & H3	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> • <u>General Comments</u>: concern that the capacity of allocated land is in excess of the capacity of the supporting infrastructure and employment opportunities - i.e. objectors want an increase in village amenities or a reduction in the number and capacity of housing allocations. Belief that brownfield sites should be developed first. Others comment on the need for footpath provision on the south side of the A82(T) close to the Ferguson Transport developments, for better protection of the SSSI and for specifically allocated business land. • <u>Suggested New Allocations</u>: Local developer wants infill housing development potential on land between south-west SDA boundary up to Mossgiel because it is needed to finance the relocation of an existing local business, the land is previously developed and is part consented. • <u>AH</u>: Objection to allocation because: the area was not allocated for development in the Adopted Lochaber Local Plan; there is enough provision of land for affordable houses; the land is needed for a play area and village hall extension, and; there are too many affordable houses in the area already. • <u>H1</u>: Neighbours concerned about inadequate drainage, the height of houses that may cause overshadowing and increased traffic. • <u>MU1</u>: Objectors believe the land would better be allocated for business / tourism use. Poorly designed buildings would detract from the only pleasant approach to Spean Bridge and would be detrimental to existing businesses in the area. The local access to the site is owned by Burnbank House and Burnbank Lodges who may inhibit access from this boundary. • <u>MU2/LT2</u>: Resident objections to: the excessive housing density; the incompatibility between mixed commercial and housing uses; the lack of an obligation to provide a car park, public toilets and commercial/tourist facilities; the increase in traffic and inadequate access; flood risk; inadequate drainage; the adverse impact on river and 		

riverbank and wildlife; the likelihood of diesel spillage; the lack of protection of trees; the suggested uses being too vague; inadequate community services and infrastructure; inadequate demand/need; the adverse visual impact on the existing settlement pattern; the development not adding anything to village culture and quality of life; the adverse visual impact; no guarantee of playing field provision; the lack of sheltered/affordable houses; the need to relocate overhead lines; the loss of part of the site to provide a right hand turn lane and other A82 widening; inadequate school capacity; poorer pedestrian safety, and; the loss of watercourses running through the site.

Modifications sought by those submitting representations:

- General Comments: Reduction in number and capacity of housing allocations and/or additional objectives or allocations to secure enhanced supporting infrastructure (implied). More specific tourism / business allocations. Better reference to geological SSSI.
- Suggested New Allocations: housing allocation or SDA extension to include land south west of village.
- AH: Deletion of site (implied).
- H1: Delete or amend developer requirements to control impact on neighbouring properties (implied).
- MU1: Deletion of site or allocation for attractive tourist facility use (implied).
- MU2/LT2: Deletion of site or greater proportion of community/tourist facility uses on site (implied).

Summary of response (including reasons) by planning authority

Response(s)

- General Comments: NO CHANGE except reference to SSSI in commended changes below.
- Suggested New Allocations: EXTEND SDA as commended change below.
- AH: NO CHANGE.
- H1: NO CHANGE.
- MU1: RETAIN ALLOCATION. See commended change re reduced capacity below.
- MU2/LT2: RETAIN ALLOCATION. See commended change re. a specific community safeguard below.

Reasons

- General Comments: The village objectives provide adequate policy coverage on the need to secure general improvements to the village. Additional tourist facilities could come forward on the mixed use sites. The Council must also allocate for choice, flexibility and effectiveness in terms of the range of housing sites zoned. Some sites have been allocated with larger capacities to justify the costs of high initial servicing but can still be phased. Higher housing numbers will provide a larger local population catchment for local commercial enterprises and may attract others. Available brownfield sites are zoned but do not comprise a sufficient land supply on their own.
- Suggested New Allocations: Although the site would complete a series of ribbon development, distant from the village centre, it does represent an infill, brownfield site. The existing settlement objective will be used to secure extension of the existing footpath connection to the village centre.
- AH: Housing and Property Services have confirmed that Spean Bridge is a priority settlement for affordable housing. The site's development will improve and expand the

existing play area whilst it will not compromise any future plans for extension of the village hall. The decrease of the indicative capacity will ensure that the development is in keeping with the adjacent ones.

- H1: The site's capacity has been reduced and developer requirements already amended to address neighbour's concerns. The site is brownfield, has no heritage constraints, has an existing access and represents an acceptable infill opportunity close to the village centre. A housing planning application is pending consideration on the site.
- MU1: The developer requirements cater for the retention of a green screen to the A 86 and for high quality design but a capacity reduction would make these easier to achieve in planning application layout terms. The trunk road is well aligned in this section and an access from it should prove feasible if the objector is not prepared to negotiate access from the west.
- MU2/LT2: Amendments have already been made to better address phasing, the need for developer-funded infrastructure improvements and non-housing uses. There is a lapsed outline planning consent for 13 houses for part of site MU2. Scottish Water confirmed that there is existing water and sewerage capacity to accommodate the allocated development. The Highland Council is aware of a potential capacity issue in the Spean Bridge primary school in the future and the 7th objective supports its extension in case such an issue emerges in the future. The issue of surface water drainage is addressed by the Plan's general policy on this topic. The local plan covers a time period longer than a particular cycle in the housing market. No significant widening of the A82 should be required. Safe pedestrian connection improvements are specified. The affordable housing policy of the plan requires 25% of developments over 4 units to be affordable and The Highland Council's policy is for 25% of these units to be suitable for the elderly. Under-grounding or diversion of overhead lines is a cost for the developer but not an insurmountable one for this site. Flood risk is also addressed by a developer requirement. A further specific requirement for sports pitch provision is appropriate given existing and magnified future deficiencies in local provision.

Any Further Plan Changes Commended by THC

- General Comments: ADD objective "to protect the geological SSSI in the Western part of the settlement".
- Suggested New Allocations: EXTEND SDA to include suggested land south of the A82.
- AH: None
- H1: None.
- MU1: RETAIN site but reduce indicative capacity to 8 units.
- MU2/LT2: ADD specific developer requirement for a "minimum of 1.5ha for a sports pitch and other public open space".

Reporter's Conclusions

General: Concerns have been raised that the scale of new housing development proposed in the plan significantly exceeds the capacity of the available infrastructure and that insufficient attention has been given to providing employment opportunities commensurate with the associated growth in population. I will deal with the individual sites below, but on the general point I believe that there is scope within the extensive land allocations in the village to strike an appropriate balance between providing new housing and the creation of employment opportunities. On the issue of the capacity of the existing infrastructure to cope with the proposed new development, I have received no information from those with statutory responsibility for providing water and sewerage that there is any critical threshold in the village which would prevent further development taking place. If the required

infrastructure provision is not in fact available, the proposed development will be unable to proceed.

The representations also highlighted concerns regarding the need for adequate footpath provision and improved bus stop facilities within the village and in the new development areas. However, I believe that these are matters that can best be addressed when detailed proposals are brought forward for the sites. I do not consider that it is appropriate or necessary for such detailed issues to be resolved in the local plan. It is noted however that the settlement objectives do recognise the need to secure general improvements to the village and its community facilities. Similarly, the suggestion that a car park and public toilets should be provided is a matter that can only be properly considered when specific proposals are made for the development of the sites.

HIE requested that an area of land should be allocated specifically for business purposes. However, given the scale of opportunities available within the identified MU sites and the explicit reference in the developer requirements to business uses being acceptable within these areas, I consider that it is not necessary in the case of Spean Bridge to identify areas that would be used exclusively for business development.

Scottish Natural Heritage (SNH) has indicated that the boundaries of the Spean Bridge Site of Special Scientific Interest (SSSI), which is a natural heritage feature of national significance, overlap with the SDA boundary. As referred to in Issue 103, it is important that the local plan should provide clear and adequate protection for such features. Consequently, it is considered that the need for the protection of the SSSI should be recognised in the local plan's stated objectives for Spean Bridge. This is dealt with in the recommendations below.

Suggested New Allocation: The owner of a haulage company, who is in the process of relocating to Corpach, wishes to have his premises and yard identified as an allocated housing site. The land involved is located within the south western extremity of the SDA and it would extend development westwards along the A82(T). It is noted that approximately half of the proposed housing site has already been granted planning permission for housing. The proposed site is currently in use as hard standing and storage space in connection with the haulage business. I consider that the site would constitute a brownfield infill opportunity. The council acknowledges that the proposal would extend the linear pattern of development along the trunk road, but because of the infill nature of the site and its planning history the council supports its identification for housing. I agree with this view and conclude that the site should be allocated for housing with an indicative capacity of some 16 houses. A developer requirement regarding the provision of a footpath along the frontage of the site should also be included.

Affordable Housing Site (AF): The proposed AF Site is located in the middle of an existing housing development on an area of land that is currently undeveloped. A children's play area and a village hall are located close by. Concerns have been expressed that the proposed use for affordable housing does not represent the optimum use of the land as there is a serious lack of open space in the area for older children to use. It was also indicated that the provision for affordable housing should be spread more widely throughout the village and not concentrated in this area. I consider that the site is reasonably well situated within the existing housing area and that its use for affordable housing would be compatible with the surrounding residential use. The need to provide opportunities to increase the availability of affordable housing in areas such as this is pressing and I believe that every reasonable opportunity to increase the supply of sites which can accommodate such provision should be utilised. Concerns over the provision of open space may be well-founded but in this instance I consider that the need to address the shortfall in affordable housing outweighs the benefit of identifying the land as open space. I conclude that the

affordable housing allocation should be retained in the plan.

H1 Site: This site has been used in the recent past in connection with the operation of a haulage business and would appear to be surplus to requirements relative to such a use. The site represents a small infill housing opportunity within an existing residential area close to the centre of the village. The removal of the haulage business and its replacement with housing should allow the general amenity of the area to be improved. The indicative capacity of the site has also been reduced from 14 to 10 units. Concerns have been expressed about surface water drainage affecting neighbouring properties. I consider that this along with concerns over the height of any new buildings on the site and increased traffic generation are matters that can best be addressed when detailed proposals are made for the site. It is not appropriate for the local plan to deal with such matters of detail. I therefore conclude that the H1 site is in an appropriate location to accommodate additional houses without adversely affecting the residential amenity of the surrounding properties. The H1 site should therefore be retained in the local plan.

MU1 Site: This site is located on the eastern edge of the village next to the A86(T). The local plan indicates that housing and business uses would be acceptable on the site. The indicative capacity for the housing element is 16 units. In the 2007 version of the deposit draft plan, the site was identified as Site H3 and it also had the same indicative capacity for housing. Representations have suggested that the site would be more appropriately allocated for business and tourism use. I consider that the site is relatively prominently located on one of the main approach to Spean Bridge. Given the extensive opportunities identified elsewhere in the village for business and tourism use, I believe that a mixed use comprising mainly housing but with the opportunity for the provision of small scale business/tourism uses would be appropriate on this site. I agree with the council that in order to achieve this end it will be necessary to reduce the indicative housing capacity of the site from 16 units to 8 units so that sufficient space is available for business/tourism uses. Given its location, high standards of siting and design for all buildings on the site will be required, but this point is already addressed in the developer requirements. The provision of a satisfactory road access remains to be determined, but it would not appear that this is a matter that is incapable of being resolved. I conclude that the MU1 site should be retained in the plan, with a reduced indicative housing capacity of 8 units.

MU2 and LT2 Sites: In the 2007 version of the local plan this site was identified for housing (sites H and H5 with an indicative capacity of 70 units), mixed uses (MU1) and playing fields (C1). In the current 2008 deposit draft plan, the MU2 site extends to some 12ha with the LT2 site adding a further 3.6ha. Concerns have been expressed that this represents too large an area allocated for development in a settlement such as Spean Bridge. I share these concerns and consider that the identification of such an extensive area is greatly in excess of the likely demand for development in the village within the plan period and in the foreseeable future. While I would accept that it is important for the plan to provide sufficient land to meet housing needs and offer opportunities for business development and improved community/tourist facilities, I believe that what is proposed in the MU2 site is excessive and inappropriate. I believe that the appropriate planning approach would be to allocate sufficient land at this location to meet the realistic levels of demand likely to be experienced in Spean Bridge within the plan period and slightly beyond and then to review the need for any further land release once there is evidence regarding the levels of take-up achieved.

It is noted that most if not all of this site falls within the Spean Bridge SSSI and that there are areas of ancient or long established woodland within the site. Both of these natural heritage resources are of national importance and should be conserved and safeguarded from unnecessary development. That is not to say that no development can take place, but any development which does occur requires to be handled sensitively. The site is also in a highly visible position relative to the adjacent A82 trunk road which is a major tourist route.

In these circumstances, I consider that it is important that the site is developed in a controlled and phased manner so that it contributes to the enhancement of the village and does not destroy its character or overwhelm its facilities and services. The position of the site at a 'gateway' location as you enter or leave Spean Bridge simply emphasises the need to exercise care in developing this land. I also have concerns that the level of housing proposed does not relate to locally generated demand within the village. As a result, it is likely that many of the potential residents would gain employment in Fort William or elsewhere in the wider area. This would encourage higher levels of car commuting and undermine the plan's efforts to achieve a more sustainable form of development.

Local residents have also raised a number of detailed points regarding matters such as drainage, road access, density of development, impact on amenity, lack of affordable housing provision and increased traffic. I believe such matters can only be properly addressed when detailed proposals are available for the site. I have however seen no evidence to suggest that it would not be possible to satisfactorily accommodate a smaller scale of development on part of the site. I also have concerns that the scale of development proposed in the plan has been unduly influenced by the need to secure developer funded infrastructure improvements and I am not satisfied that this is an appropriate basis on which to plan for the future of the settlement.

Taking all these matters into account, I consider that it would be acceptable in local planning terms to allocate part of the MU2 site for a more limited form of mixed use development, but that to identify at this stage the extensive scale of opportunity proposed in the local plan cannot be justified and is inappropriate. I therefore conclude that the eastern part of the site (see attached plan) should be retained in the local plan as a mixed use, but that the rest of the MU2 site and the identified long term opportunity (LT2) should be deleted from the plan and the land excluded from the SDA. On a separate matter, SEPA has indicated that any significant watercourses within the site require to be retained and integrated as natural features within a development. This is an issue that requires to be covered by an additional developer requirement and this is dealt with in the recommendations below.

Reporter's Recommendations

General: I recommend that the settlement objectives for Spean Bridge should be modified to include the following: "*Parts of the Spean Bridge Site of Special Scientific Interest fall within the SDA boundary. The nationally important natural heritage resources within the SSSI require to be conserved or enhanced.*"

Additional Allocation: I recommend that the strip of land on the south side of the A82(T) and located in the south western extremity of the SDA should be allocated for housing and the site identified as H4. A developer requirement requiring a footway to be provided along the road frontage of the site to connect with existing footways in the village should be included (This area was identified on the plan submitted by the council in response to my request for further information.)

Affordable Housing Site (AH): No modification.

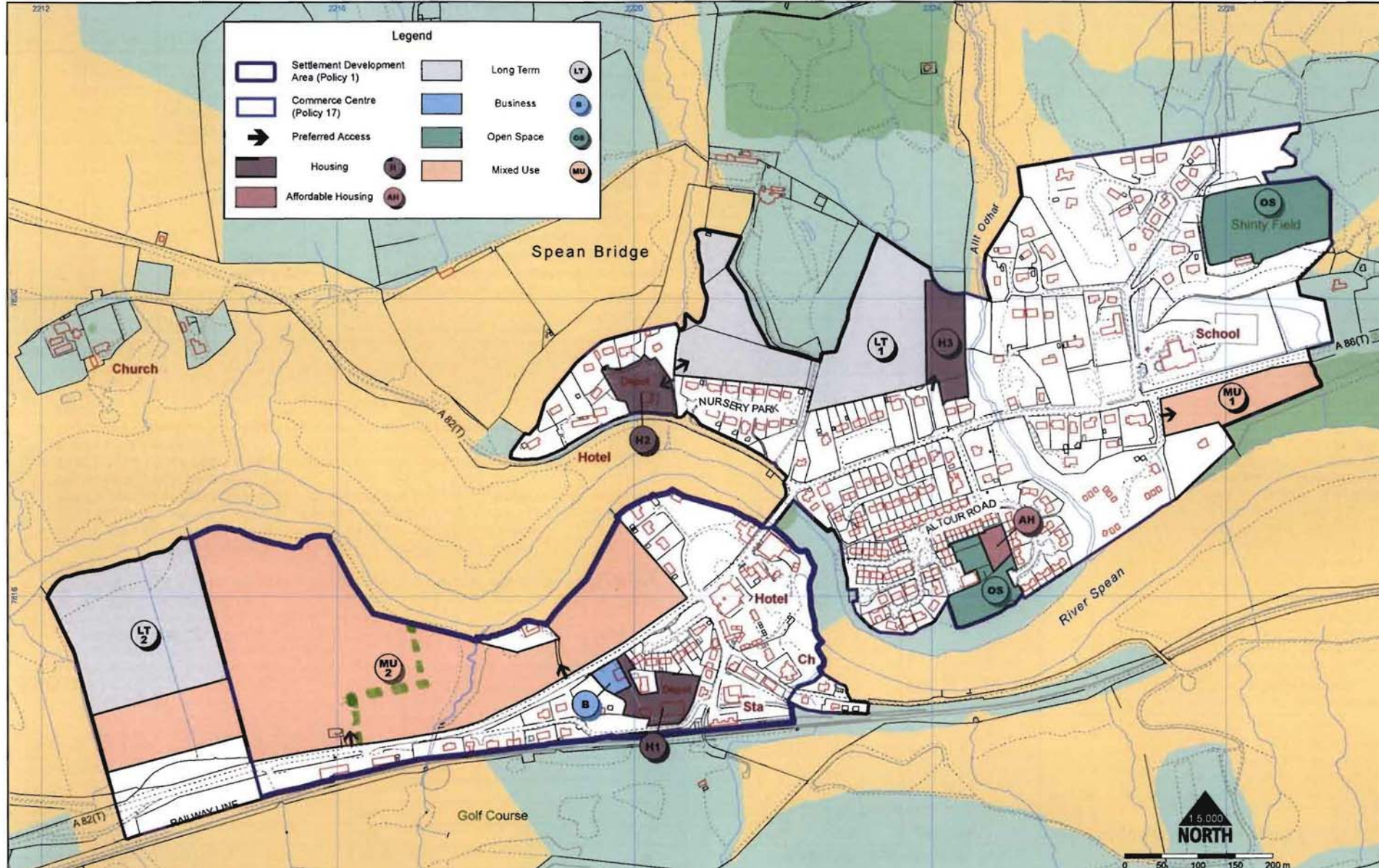
Site H1: No modification.

Site MU1: I recommend that the MU allocation is retained, but with a modified indicative housing capacity of 8 units.

MU2 and LT2 Sites:

1. I recommend that the scale of the MU2 allocation should be significantly reduced (see attached plan) and that the balance of the site together with the proposed LT2 site should be deleted and the land excluded from the SDA.

2. I recommend that an additional developer requirement should be added. This would state: "*To retain and integrate watercourses as natural features within the development.*"



Issue (ref and heading):	50. ROY BRIDGE	Reporter: Iain Lumsden
Development plan reference:	Roy Bridge – Suggested New Allocations, Settlement Development Area (SDA), H1 (Field off Bohenie Road), B1 (Stronlossit) Text MB 54 – Map LO36 MB 55	
Body or persons submitting a representation raising the issue (reference no.):		
<ul style="list-style-type: none"> • <u>Suggested New Allocations</u>: Bidwells on Behalf of Achaderry Estate (971) • <u>SDA</u>: S. Mallison (793) • <u>H1 & B1</u>: H. & N. Critchley (166), SEPA (446) 		
Provision of the Development Plan to which the issue relates:	New Allocations, SDA, H1 & B1 Allocations	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> • <u>Suggested New Allocations</u>: Landowner suggestion to include a series of allocations to provide community land, public open space and 7 house plots off Achaderry road because it will provide a lower density and impact of development than previously proposed and will deliver community uses and affordable housing. • <u>SDA</u>: Resident opposes any more development at Bunroy until railway bridge condition and capacity is improved and the road network serving Bunroy is adopted. • <u>H1 & B1</u>: Objections to development because: further development would be inappropriate to the existing settlement pattern; of loss of woodland; of loss of habitat; adverse impact on species; of poor surface water drainage; underground services will need to be safeguarded or relocated; adverse impact on adjacent hotel as existing tourism business; the density proposed is excessive; of flood risk; adverse impact on social balance of community; the development is not energy efficient in terms of the length of the access road; obtrusive main-road signage will be needed or frontage trees felled, and; a pre-site-confirmation flood risk assessment should be required. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • <u>Suggested New Allocations</u>: Landowner suggestion to include mixture of sites to provide community land, public open space and 7 house plots off Achaderry road. • <u>SDA</u>: Removal of Bunroy from SDA or objective added to ensure any further development at Bunroy dependent upon bridge and road adoption/upgrading (implied). • <u>H1 & B1</u>: Deletion of allocations or redraw H1 boundary to exclude flood risk area and pre-confirmation flood risk assessment for B1. 		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u></p> <ul style="list-style-type: none"> • <u>Suggested New Allocations</u>: NO CHANGE. • <u>SDA</u>: NO CHANGE. • <u>H1 & B1</u>: RETAIN ALLOCATIONS. Add stronger flood risk requirement as detailed in commended changes below. <p><u>Reasons</u></p> <ul style="list-style-type: none"> • <u>Suggested New Allocations</u>: A planning application is pending consideration to the north of H1 which may affect opportunities for widening the Achaderry road. The proposal may have merit but significant issues still remain in terms of: pluvial and 		

fluvial flood risk; protected species impacts; loss of woodland; the need for guaranteed delivery of useable public open space; previous objections to the allocation of land in this area, and; the need for and feasibility of developer funded access improvements.

- **SDA:** The development in Bunroy was approved on the basis of a negligible increase of traffic by the replacement of the 15 chalets with 14 permanent houses. It is also subject to a legal agreement to obtain better maintenance of a section of this unadopted road. The Council does not intend to adopt the road beyond Roy Bridge School due to landownership constraints, the attitude of Network Rail regarding the bridge, the opposition of some residents to road widening and financial considerations.
- **H1 & B1:** Site H1 has a 7 houses planning application pending consideration. The allocation's housing capacity has already been reduced and requirements added to address the need for tree retention, structural planting and exceptional siting layout and design quality. The site is sustainable in terms of its village centre location and serviceable. It also has the commercial tourism benefit of trunk tourist route frontage. Developer requirements and the Plan's general policies do or will address flood risk, surface water and woodland issues. Good siting, layout and design will also address the adjacent hotel's "loss of commercial view" interests. A pre-determination rather than pre-site-confirmation flood risk assessment is sufficient. The allocation of business land is necessary for the creation of mixed use sustainable communities. Appropriate business uses would be compatible with surrounding uses.

Any Further Plan Changes Commended by THC

- **New allocations:** None.
- **SDA:** None
- **H1 & B1:** ADD/AMEND developer requirement for "pre-determination flood risk assessment".

Reporter's Conclusions

Suggested New Allocations: I note that a substantial part of the suggested new allocation on the Achaderry road was identified in the adopted local plan for use as a village park and playing field. Since that time, several houses have been built just to the east of this road and towards the southern end of the site. In my opinion, the suggested identification of land for a further 7 houses at the northern end of this area would represent a significant intrusion into an attractive area of woodlands. It is noted that part of the proposed housing site also lies within the Parallel Roads of Lochaber Site of Special Scientific Interest. I am aware that the land suggested for the new housing allocation is identified in the local plan as a potential 'Long Term' development opportunity (LT2). However, I consider that given (i) the national importance and value of the SSSI; (ii) the potential loss of an area of attractive woodland; (iii) the need to improve open space provision within the village; and, (iv) the identified flood risk affecting the site; it would not be appropriate to allocate the land suggested in this representation. I note that the representation suggests that parts of the site could be used for woodland walks and a sports field. However, while such uses may be appropriate the proposals are currently at a very early stage of development and there is no indication of how the scheme would be funded or implemented. While I accept that because of its potential open space potential it would be appropriate to retain this area within the SDA, I do not believe that it should be identified as a 'long term' development opportunity. I conclude that the suggested new housing allocation should not be included in the local plan.

For similar reasons, I do not consider that it is appropriate at this time to identify the long term opportunity (LT2) in the local plan. I consider that there is a more than adequate land supply for housing to satisfy the likely demand for development within the life time of the

local plan and beyond. These opportunities comprise the identified housing and affordable housing sites in the village and the development potential that exist on infill sites such as the holiday park at Bunroy, which was recently granted planning permission for the replacement of 15 existing holiday chalets with 14 permanent houses.

SDA Boundary at Bunroy: I consider that the existing housing at Bunroy forms an integral part of the overall settlement area at Roy Bridge. I appreciate that the railway forms an obvious physical barrier, but a significant number of dwellings have already been developed on land to the south of the railway. All these properties are accessed via the bridge over the railway and look to the facilities in the main part of the village. While I understand the concerns expressed in the representation regarding the capacity of the bridge and responsibility for the maintenance of the road to Bunroy, these are matters that require to be resolved outwith the local planning process. The grant of planning permission for housing on the holiday park relates to the replacement of holiday chalets with dwellings and I am not persuaded that this will necessarily affect the overall level of traffic using the local roads serving the area. I also note that the planning permission for these dwellings is subject to a legal agreement regarding the improved maintenance of a section of the access road. Taking the above matters into account, I conclude that it is reasonable and appropriate for the land at Bunroy south of the railway to be included within the SDA boundary shown in the local plan.

H1 & B1: It is considered that the H1 and B1 sites are well located close to the core of the village and adjacent to a hotel, shop/post office and the A86(T). In general terms, I consider that this represents a sustainable location within the settlement. I note that the indicative capacity of the H1 site has been reduced from 15 units in the consultative draft plan to 10 units in the deposit version of the plan. I believe that this reduction should allow a housing layout that is consistent with the density of development elsewhere in the village and appropriate for a settlement such as Roy Bridge. The plan also indicates in the Developer Requirements for the site that any development should maximise tree retention and that some shelter planting would be required. In these circumstances I consider that a well designed housing development on the site would not be obtrusive or out of keeping with the character of the village. With respect to the B1 site, this appears to me to be a logical and appropriate location for a small scale business/tourist related development to be undertaken. Proximity to the centre of the village and the trunk road being important locational advantages of the site. I note that the requirement imposed on the H1 site regarding tree retention and planting would also apply to this site. I consider that subject to these requirements being implemented the business development can be satisfactorily accommodated on the site without causing an undue impact on the amenity of the surrounding area.

It is noted that SEPA has indicated that it is opposed to the allocation of the H1 and B1 sites because at least parts of these sites lie within or adjacent to land identified as being within a medium to high flood risk area. SEPA has stated that the objection to the H1 site would be withdrawn provided that the council modifies the boundaries to exclude any land that is within the medium to high flood risk area and the developer requirements for the site are modified to include the wording *“Flood Risk assessments will be required, built development to avoid flood risk area. Site Boundaries to be amended to exclude those parts which lie within the medium to high flood risk area. i.e. a 1 in 200 or greater annual probability of flooding.”* With respect to the B1 site, SEPA had requested that a specific flood risk assessment should be carried out now to demonstrate that the land is capable of being developed in accordance with national guidance on flood prevention. Alternatively, if this work is not to be undertaken, SEPA would wish the site to be deleted. However, as set out under Issue 101, it has been concluded that in terms of the local plan those requirements for the B1 site would be too onerous and inappropriate. It is therefore proposed that in relation to the issue of flooding the B1 site should have the same

developer requirement attached to it has for the H1 site.

Subject to appropriate modification to the Developer Requirements to address the potential flooding issue, I therefore conclude that the inclusion of the H1 and B1 sites in the local plan is both justified and appropriate.

As indicated in Issues 101 and in 111 in relation to General Policy 10, those promoting new development adjacent to a trunk road will require to justify the setting aside of Transport Scotland's policy presumption against creating new accesses onto trunk roads. The H1 and B1 sites at Roy Bridge are sites identified in Transport Scotland's objection which falls into this category. The sites will therefore require additional developer requirements which should indicate that where a new junction onto the trunk road is proposed in order to gain access to the site, a justification will have to be provided confirming why the policy presumption requires to be set aside.

Note: Although not highlighted in the council's schedule of representations, Scottish Natural Heritage (SNH) has indicated that it objects to the fact that there is an overlap between the boundaries of the Parallel Roads of Lochaber Site of Special Scientific Interest (SSSI) and the SDA boundary for Roy Bridge which is not shown on the settlement Inset Map. SNH has indicated that the land within the SSSI should be deleted from the SDA or alternatively the objectives for the settlement set out in the plan are modified to include reference to the need to protect and enhance the SSSI features and to undertake prior consultation with SNH on any development proposals within the boundary of the designated SSSI. At Roy Bridge the SSSI boundary includes the H2 site; a substantial proportion of the extensive the LT1 site lying to the south west of the Post Office; and, part of the LT2 site at Achaderry. This matter is discussed in general terms in Issue 103 where it is concluded that if a Settlement Development Area contains a natural, built or cultural heritage feature which has been designated as being of international or national importance, the objectives for that settlement should be modified to provide for its (or their) protection. In this case the settlement objectives for Roy Bridge should be modified to make reference to the fact that parts of the Lochaber Parallel Roads Site of Special Scientific Interest fall within the SDA for the village and the need for this nationally important natural heritage resource to be protected.

As I have indicated above I consider that the LT2 should be deleted. However, I consider that the H2 site is an appropriate location relative to the existing housing in the village and should be retained. In terms of the LT1 site, I consider that this large site, extending to some 7.5ha, is in a location that is separated from the rest of the village by the A86(T). I consider that to propose development on the south side of the trunk road at this time is unnecessary and lacking in justification. As indicated above, it is my view that there is no requirement at this time to identify such a substantial area of land for longer term development for housing. I consider that the plan has already identified a more than sufficient supply of housing opportunities to meet the likely levels of demand in a settlement the size of Roy Bridge both within the local period and beyond. Furthermore, the council has provided no indication that there is a requirement to identify land for other uses on this site. In the absence of any specific development demand, I am also not persuaded that the intention to promote a better balanced settlement form either side of the River Roy on its own provides sufficient justification for identifying such a large area as a long term site.

In these circumstances, and given the concerns expressed by SNH regarding the implications of including land that is designated as a Site of Special Scientific Interest (SSSI) within an SDA, I am not persuaded that it is appropriate for the council's general support for development within a SDA (see local plan Policy 1) to apply in this case. It has to be remembered that SSSIs are designated because they contain natural heritage resources of national importance which require to be conserved or enhanced. I therefore

consider that it would be premature and inappropriate to identify the LT1 site in the local plan or for the land involved to be included within the SDA. I conclude that the LT1 site should be deleted and the land excluded from the SDA.

Reporter's Recommendations

Suggested New Allocation: I recommend that no change should be made to the local plan in response to this representation, apart from the deletion of the LT2 site.

SDA Boundary at Bunroy: No modifications.

H1 & B1: I recommend that additional developer requirements are included which states:
1. *"Flood Risk assessments will be required, built development to avoid flood risk area. Site Boundaries to be amended to exclude those parts which lie within the medium to high flood risk area. i.e. a 1 in 200 or greater annual probability of flooding."*; and

2.) *"Where a new junction onto the trunk road is proposed in order to gain access to the site, a justification will have to be provided confirming why the presumption requires to be set aside."*

Scottish Natural Heritage's Objection. I recommend that (i) the LT1 site should be deleted from the plan and the SDA boundary redrawn to exclude this land; (ii) the settlement objectives should be modified to indicate that: "Parts of the Lochaber Parallel Roads Site of Special Scientific Interest fall within the SDA for the village. The nationally important natural heritage resources within the SSSI require to be conserved or enhanced."

Issue (ref and heading):	51. INVERGARRY	Reporter: Iain Lumsden
Development plan reference:	Invergarry – H2 (West of Mill), MU1 (Easter Mandally), MU2 (Opposite hydro station), B2 (Forestry Commission Depot) Waste Water & Flood Risk Text MB 56 – Map LO37 MB 57	
Body or persons submitting a representation raising the issue (reference no.):		
<ul style="list-style-type: none"> • <u>H2</u>: J. Prior (565) • <u>MU1 & MU2</u>: P. Mantell-Sayer on behalf of P. Williamson (688) • <u>B2</u>: Transport Scotland (859) • <u>Waste Water and Flood Risk</u>: SEPA (446) 		
Provision of the Development Plan to which the issue relates:	Allocations H2, MU1, MU2, B2 and Waste Water & Flood Risk	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> • <u>H2</u>: Neighbour objection because the site boundary does not follow the ownership boundary, the density is excessive, there will be an adverse impact on the regenerating forest, there will be an adverse impact on the habitat for flora and fauna and a better (unclear) alternative site exists. • <u>MU1 & MU2</u>: Landowner desire for higher density of housing development because this will: bring in new people which will assist with retention and enlivenment of local businesses; increase local employment; deliver affordable housing provision; retain the young population, and; be in accordance with the Plan's objectives. • <u>B2</u>: Specific Transport Scotland objection to allocation because of lack of adequate footpath connection to village and contrary to national guidance. • <u>Waste Water and Flood Risk</u>: Scottish Environment Protection Agency (SEPA) want public sewer connection requirement for allocations H1, B1 and MU1 because of potential pollution risk from private arrangements. If not feasible for MU1 then site should be deleted as unsustainable. That part of H1 that falls within the 1 in 200 year flood risk area should be excluded. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • <u>H2</u>: Deletion of site (implied) • <u>MU1 & MU2</u>: Higher densities of housing development than currently proposed (implied). • <u>B2</u>: Deletion of site or improved pedestrian connection to village centre (implied) • <u>Waste Water and Flood Risk</u>: Public sewer connection requirement for allocations H1, B1 and MU1. Deletion of MU1 if public sewer connection not feasible. That part of H1 that falls within the 1 in 200 year flood risk area should be deleted. 		
Summary of response (including reasons) by planning authority		
<u>Response(s)</u> <ul style="list-style-type: none"> • <u>H2</u>: RETAIN ALLOCATION. • <u>MU1 & MU2</u>: RETAIN ALLOCATION. • <u>B2</u>: RETAIN ALLOCATION. • <u>Waste Water and Flood Risk</u>: ADD public sewer connection requirement where feasible. Strengthen flood risk requirement for site H1. 		

Reasons

- **H2:** There were previous (now lapsed) planning consents for 4 houses on the site. The site has already been reduced in capacity from 20 to 4 units and the boundary adjusted to the now lapsed planning consent boundaries. The location of the suggested alternative site is unclear but likely to be relatively distant from the village centre compared to allocated alternatives and is likely to lead to further ribboning of the village.
- **MU1 & MU2:** The sites are constrained in terms of: a lack of a feasible public sewer connection; woodland cover; flood risk, and; trunk road junction capacities. The proposed densities reflect these constraints and any increase would not be appropriate.
- **B2:** The site represents a brownfield opportunity with the support of the landowner (Forestry Commission). The existence of a footpath on the south side of A 87(T) and the business nature of the allocation mean that there are fewer concerns regarding pedestrian safety. The site's distance from the main settlement is a potential advantage for any bad neighbour use.
- **Waste Water and Flood Risk:** The additional developer requirement on H1 will ensure that no built development will be supported on land proven to be within the 1 in 200 year flood risk contour. Scottish Environment Protection Agency's (SEPA) position on MU1 is unreasonable in applying an effective embargo on any development on a site that is close to community facilities and the centre of this dispersed village. The Council would accept a "Scottish-water-ready" private arrangement requirement but this is not offered as a commended change given the "in principle" objection from Scottish Environment Protection Agency (SEPA).

Any Further Plan Changes Commended by THC

- **H2:** None.
- **MU1 & MU2:** None.
- **B2:** None.
- **Waste Water and Flood Risk:** for H1: ADD developer requirement for built development to avoid land within the 1 in 200 flood risk boundary.

Reporter's Conclusions

H2: In the 2007 version of the deposit draft local plan, the H2 site extended further east and included an area of land that is in the ownership of the individual making this representation. In the 2008 version of the plan, the site has been reduced from 1.7ha to 1.5ha and the indicative capacity has also been reduced from 20 units to 4 units. I also note that the council has in the past granted planning permissions for the erection of 4 detached houses within the boundaries of the H2 shown included in the plan. I understand that these planning permissions have now lapsed. I consider that the changes which have been made to the proposed allocation significantly reduce the density of development on the site and would minimise the impact of new houses on neighbouring residential properties and the surrounding area. The developer requirements for the site would also in my opinion assist in mitigating any visual impact and ensuring the site is well integrated with the rest of the settlement. I also believe that the site is well related to the existing built-up area of the settlement and the facilities and services available within it. I do not consider that the potential availability of other sites in the village provides adequate justification for deleting this site. I therefore conclude that it is appropriate for the H2 site to be included within the defined SDA for Invergarry.

As indicated in Issues 101 and in 111 in relation to General Policy 10, those promoting new development adjacent to a trunk road will require to justify the setting aside of Transport Scotland's policy presumption against creating new accesses onto trunk roads. The H2 and the B2 sites at Invergarry were sites identified in Transport Scotland's objection which

falls into this category. The sites will therefore require an additional developer requirement which indicates that where a new junction is proposed onto a trunk road, a justification will have to be provided confirming why Transport Scotland's policy presumption against the creation of such new junctions should be set aside. This is dealt with below in the recommendations relating to sites H2 and B2.

MU1 and MU2: I note that the MU2 site was not included within the SDA identified in the 2007 version of the deposit draft plan and it would appear that it was included in the current version of the plan following representation made by the landowner. The MU2 site lies some 1.2km to the east of the main part of the settlement. It is located to the south of the A82(T) on an area of ground that is located between the main road and the point where the River Garry flows into Loch Oich. In my view, this site is incongruously located relative to the remainder of the settlement. I consider that it is physically and functionally separate from the rest of the village and that its development should therefore be treated as a discrete planning issue.

I am aware that there are a number of outstanding issues associated with the scale and form of any development on the MU2 site. It is located within an Area of Great Landscape Value; close to an A Listed Building (the hydro power station); remnants of ancient semi natural woodland are found within the site; and, an acceptable access from the A82(T) is likely to be problematic to achieve. The site is close to the River Garry and it may also be subject to flooding. In my view, these issues require to be fully assessed when detailed proposals are submitted for the site. In conclusion, given the number of constraints affecting the development of this site, I do not consider that it would be appropriate for the local plan to allow for an increased housing density. I therefore conclude that the indicative housing capacity of the MU2 site should not be increased.

With respect to the MU1 site at Easter Mandally, I consider that in comparison to the MU2 site this location is relatively well related to the existing settlement of Invergarry and that its inclusion within the SDA is an appropriate and justified planning response despite the fact that it is located on the opposite bank of the River Garry to the main part of the village. However, the site is also within an Area of Great landscape Value and there are areas of ancient woodland within the site. Any development on the site will have to be sensitively handled and a number of important trees retained. The water courses crossing the site also need to be maintained. In addition, a flood risk assessment will also be required to establish those areas at risk from flooding. The narrow road serving the site and its junction with the A82 trunk road place further constraints on the level of development that can be satisfactorily accommodated on the MU1 site. Taking all these factors into account, I am not persuaded that it would be appropriate to increase the housing density permitted on the site. I therefore conclude that the indicative housing capacity of the site should not be increased. While the structure and local plans seek to increase population and encourage economic development in the area they also make it clear that these objectives are not to be achieved at the expense of other planning and environmental concerns.

B2 Site: This site lies at the western extremity of the village just to the north of the A87. The site comprises a former Forestry Commission depot which is partially screened from the main road by some scrub woodland. Concerns have been expressed by Transport Scotland that there is no pedestrian footpath on the northern side of the A87 linking the site to the rest of the village. Transport Scotland expressed concerns that this would mean that access to the site by sustainable means of transport would be limited. While I understand these concerns and support the general thrust of the policy on sustainable transport, I note that in this particular case there is a footpath on the other side of the A87 to the B2 site and that it lies only a short distance from the village. I therefore consider that the absence of a footpath on the northern side of the road would not necessarily materially deter those either

cycling or walking to the site or materially increase the number of people travelling to the site by motor vehicles. It is also my view that this site represents a good location for the development of small business units. I therefore conclude that the B2 site should be retained in the plan subject to the additional developer requirement regarding trunk road access being applied (See H2 above regarding this matter).

Waste Water and Flood Risk: SEPA has raised concerns regarding the importance of providing satisfactory arrangements for the treatment of foul drainage. The general issues regarding waste water treatment are dealt with in this report under Issues 101 and 108 (Policy 7). Because of its concerns on this issue, SEPA indicated in its initial representations that it objected to the identification of a number of sites, including sites H1, B1 and MU1 in Invergarry. SEPA has subsequently indicated that it would be prepared to withdraw these objections provided a developer requirement was attached to the sites indicating that the development should be connected to the public sewer where it is technically and economically feasible to make such a connection. As the above sites have been identified by SEPA, I consider that an additional developer requirement regarding public sewer connections should be attached to these sites.

In addition, SEPA has raised concerns regarding the flood risk affecting Site H1 in Invergarry. It is considered that this matter can be satisfactorily dealt with by attaching an additional developer requirement regarding flooding to the site. With respect to Site H1, the SEPA has requested that the area of the site should be reduced to exclude any land that falls within the medium to high flood risk area, i.e. land that has a 1 in 200 or greater annual probability of flooding. I accept that this is an appropriate response in respect of the flooding issue at the H1 site. These matters are dealt with in the recommendations below.

Reporter's Recommendations

H2 Site: I recommend that an additional developer requirement should be added which states: *"Where a new junction onto the trunk road is proposed in order to gain access to the site, a justification will have to be provided confirming why Transport Scotland's presumption against the creation of new junctions requires to be set aside."*

MU1 Site: No modifications.

MU2 Site: No modification.

B2 Site: I recommend that an additional developer requirement should be added which states: *"Where a new junction onto the trunk road is proposed in order to gain access to the site, a justification will have to be provided confirming why Transport Scotland's presumption against the creation of new junctions requires to be set aside."*

Waste Water: I recommend that an additional Developer Requirement should be included for Sites H1, B1 and MU1 in Invergarry which would state: (i) *"Any development on the site should include a connection to the public sewer where it is technically and economically feasible to make a connection."*

Flood Risk: I recommend that additional developer requirements should be attached to Site H1 stating: *"Flood risk assessment will be required, built development to avoid flood risk area."* In addition, the site boundaries of Site H1 should be modified to exclude land that lies within the medium to high flood risk area i.e. a 1 in 200 or greater annual probability of flooding.

Issue (ref and heading):	52. ERRACHT	Reporter: Iain Lumsden
Development plan reference:	Erracht – SDA Text MB 60 – Map LO40 MB 60	
Body or persons submitting a representation raising the issue (reference no.):		
C. MacKay (284), C. MacKay (Petition) (284) (802-808, 810, 821, 824-827, 829, 831, 832, 834-838, 844-851, 853-855, 918-925), T. MacKay (415), C. MacKay (473), A. Howie (526), J. Garlick (527), A. MacBride (536)		
Provision of the Development Plan to which the issue relates:	SDA	
Council's summary of the representation(s):		
<p>Objection to development because of: adverse impact on exceptional views and landscape; adverse economic impact if past TV/film set affected; adverse impact on habitats and species; adverse impact on tourism if landscape affected; adverse impact on historical associations; adverse impact on the recreational significance of the area (i.e. greenspace is scarce within the urban area of Fort William and this provides a green lung for the area); the loss of an actively and traditionally worked smallholding which has a low environmental impact; the loss of the educational value of the environment; the loss of the mental health benefits of a quiet greenspace; adverse impact on the setting of the scheduled monument the Caledonian Canal; a lack of housing demand; the B8004 having inadequate capacity; no public transport; the incorrect Ordnance Survey base map giving a misleading impression of the amount of development in the area, adverse impact on the geological value of the area; adverse green tourism impact; adverse impact on Great Glen Way; adverse impact on view from Nevis Range; building being contrary to the Plan's promotion of Fort William as the Outdoor Capital brand; the same owner owning more suitable land elsewhere, and; the development creating a ribbon of building within the Glen.</p>		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • Deletion of Erracht SDA (implied). 		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u>: RETAIN SDA. See commended change re. protected species below.</p> <p><u>Reasons</u>: There are 7 outline planning applications pending consideration in Erracht. Objectives have been listed to address some of the concerns of objectors including: to support development which is appropriate to the existing dispersed settlement pattern; to safeguard the existing natural and built environment; to protect features of historical value and important recognised views, and; to protect any recreation areas and footpaths within the settlement. The scale of the SDA, its location and the level of development supported within it, are all unlikely to result in significant adverse impact to the constraints listed. A further protected species survey requirement is appropriate. The Plan allocates land for accessible greenspace within Fort William. The Convener of The Queen's Own Cameron Highlanders Regimental Association has confirmed that although they do not wish to object to the SDA they would like any development to respect the structure and setting of the regiment's cairn which is sited just below Erracht House. The Reporter may wish to consider a specific reference to the cairn within the Plan's third settlement objective although this change has not been ratified by the Council's relevant Committee.</p>		

Any Further Plan Changes Commended by THC

ADD objective “to secure developer funded protected species surveys and any necessary mitigation.”

Reporter’s Conclusions

At Erracht there are some 5 existing houses. These dwellings are widely dispersed over an extensive area of open ground most of which is currently in use for agriculture. The dwellings are situated in the countryside some distance from any recognisable settlement. I note that there are no community facilities or services available either within or close to the proposed settlement boundary. Access to the existing properties at Erracht is taken from a narrow road (the B8004), which is partly single track with passing places, and then via a 500m long unsurfaced access track. There is no public transport serving the houses. The proposed settlement lies in an attractive area which enjoys outstanding views to the surrounding hills. The area around Erracht is largely unspoilt and has an open appearance which is characterised by the tracts of undeveloped land near the existing houses with areas of long established natural and semi natural woodlands beyond.

In planning terms, I do not consider that in planning terms there is anything that could be said to constitute a ‘settlement’ either nucleated or dispersed at Erracht. The council would seem to be proposing that a settlement boundary should be defined to assist in controlling and limiting further growth in the area. In my view, such a course of action is unnecessary. I consider that this relatively remote and undeveloped location is an inappropriate location for the development of new houses. The site is clearly within the countryside and totally separate from any existing settlement. Given the lack of population in the surrounding area there is little or no locally generated need for additional houses on this land. In addition, it is my view that the development of a number of individual houses at Erracht would be detrimental to efforts to maintain the overall amenity and landscape quality of this attractive area of countryside.

I am aware that the local plan contains policies to manage the development of housing in the wider countryside and in my view the use of this policy is the most appropriate mechanism for dealing with situation such as Erracht. I consider that the proposal to identify a SDA boundary at Erracht would be inconsistent with the approach taken elsewhere in the local plan area where small groups of houses in the countryside have not been given settlement status (see Issue 100). I conclude that it would not be consistent or appropriate for the plan to identify a SDA boundary at Erracht. The local plan should therefore be modified to delete the SDA boundary.

Reporter’s Recommendations

I recommend that the SDA boundary at Erracht should be deleted from the local plan and that the area should remain within the countryside.

Issue (ref and heading):	53. KYLE OF LOCHALSH	Reporter: Douglas G Hope
Development plan reference:	Kyle of Lochalsh – Commerce boundary, H2 (Phone Exchange), H6 (Langlands Terrace (West)), MU1 (Old Co-op), MU4 (Harbour) Text MB 66 – Map SL1 MB 67	
Body or person(s) submitting a representation raising the issue (reference no.):		
<ul style="list-style-type: none"> • <u>Commerce boundary</u>: G. L. Hearn on behalf of Co-op (515) • <u>H2</u>: M. MacRae (345) • <u>H6</u>: C. Clark (583) • <u>MU1</u>: T. J. Carins (29) • <u>MU4</u>: SNH (697) 		
Provision of the Development Plan to which the issue relates:	Commerce Boundary, H2, H6 and MU1 Allocations	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> • <u>Commerce boundary</u>: Co-op objection to boundary being drawn too widely. Believes it should just be the mixed use core of the village and the current boundary makes it very difficult to apply the sequential test. Points out the policy contradiction with other allocations within the village boundary carrying a different policy on the same site. • <u>H2</u>: Neighbour objection to development because of: the blind visibility at the potential access; traffic lights being inappropriate on a hill; the site being better suited to a new hall and/or parking for the existing hall; it being better suited for employment use since there are no jobs for new householders; concern regarding higher flats leading to overlooking/loss of privacy from south east portion of site. • <u>H6</u>: Neighbour objection to development because of: rocky ground conditions; the need for blasting and therefore potential damage to property and foundations; the loss of daylight; loss of private view; loss of privacy, and; property depreciation. • <u>MU1</u>: Neighbour objection because of depreciation in value of adjacent property if rented housing is pursued and adverse impact on already problematic Old Plock Road parking. • <u>MU4</u>: SNH request that for sites where particular development proposals could have a significant adverse impact on Natura sites, that such developments be precluded by the terms of the policy. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • <u>Commerce boundary</u>: Suggestion for much tighter boundary limited to commercial core of settlement adjoining A87 and Main Street. • <u>H2</u>: Non-housing uses on north and west part of site and low rise houses on balance. • <u>H6</u>: Deletion of site (implied). • <u>MU1</u>: Deletion of site or low cost sale units and no increase in parking on Old Plock Road. • <u>MU4</u>: - Stronger reference to and safeguard for SAC. 		

Summary of response (including reasons) by planning authorityResponse(s)

- Commerce boundary: NO CHANGE.
- H2: RETAIN ALLOCATION.
- H6: RETAIN ALLOCATION.
- MU1: RETAIN ALLOCATION.
- MU4: RETAIN ALLOCATION but see commended change re. Natura interest below.

Reasons

- Commerce boundary: The central area of Kyle has so few developable areas that a wider boundary is appropriate. A tight boundary would not be appropriate to Kyle of Lochalsh because of its central parking problems, its lack of feasible central development sites and because peripheral sites may be just as accessible for many existing and new residents. The potential policy confusion is recognised but the boundary is related to a general policy which will be interpreted as subservient to a specific allocation.
- H2: There is a 6 flat, outline planning application pending on Site H2. The access constraints and overlooking safeguard are now referenced within the site's requirements. If the BT building becomes available then a shared car parking and access improvement with the village hall may be possible. The Plan allocates sufficient employment land to balance for the housing sites it zones.
- H6: An additional overlooking/privacy and daylighting safeguard has now been added. Loss of private views is not a material planning consideration. The set-back requirement will also address issues of potential construction.
- MU1: The property depreciation claim is not a material planning consideration and access, parking and turning constraint on Old Plock Road is now recognised and referenced.
- MU4: A further safeguard is appropriate as a result of appropriate assessment. It is not known whether the commended change will satisfy Scottish Natural Heritage's (SNH) objection.

Any Further Plan Changes Committed by THC

- Commerce boundary: None.
- H2: None.
- H6: None.
- MU1: None.
- MU4: ADD sentence to developer requirements box "proposals will only be supported if developers can demonstrate no adverse effect on the integrity of the adjoining Natura site".

Reporter's ConclusionsCommerce boundary

Kyle of Lochalsh is identified as an Area/Local Centre in the local plan, as proposed to be amended from Sub-Area/Local Centre by the Council (see Issue 96). The Commerce Centre boundary encloses the whole of the settlement and consequently, Policy 17, which encourages retail, office and leisure development, applies to the whole of the SDA. In identifying the whole of the settlement as a Commerce Centre, it is implied that the criteria set out in Policy 17 that apply to proposed retail, office and leisure developments outwith commerce centres would not apply to any such development anywhere within the

settlement boundary. I agree with the representations made on behalf of the Co-operative Group that this presents difficulties in applying the sequential approach to site selection for retail and commercial leisure uses set out in Scottish Planning Policy, an approach which is based on a network of town centres, commercial centres and other local centres. The commerce centre for Kyle does not fit into any of these categories.

At the hearing held in Kyle, the Council acknowledged that the prospects of further commercial development in Kyle are limited. Most likely, this would take the form of small scale café, guest house and tourist retail development and perhaps a rationalisation of leisure facilities at the playing field and swimming pool. Reference was also made to the Clan Garage development site, which is allocated for business and located on the northern fringe of Kyle close to the housing allocation H1. In support of its justification for the commerce centre boundary, the Council pointed to the extreme physical constraints on development within Kyle and to the parking problems at peak times within the village centre. It was argued, therefore, that distributing small scale commercial development throughout the settlement was preferable to concentrating commercial use in the town centre. I find no fault with this argument.

However, taking all these matters into consideration, I do not consider that the identification of the whole of Kyle as a commerce centre is appropriate or necessary, particularly since the prospect of further commercial development is limited. Government policy supports successful town centres as the focus for a mix of uses and in this case three small areas within what might be described as the village centre are identified for mixed use development including retail use (MU1, MU2 & MU3). The definition of a tighter commerce centre boundary based on the existing distribution of commercial uses would reflect the present focus for services and facilities in the village and provide a proper context for the assessment of proposals for new development. It would not prejudice the proposed development of the Clan Garage site for business purposes. Policies 1 and 17 would continue to provide the framework for the assessment of any proposals for mixed use, retail and office, and leisure development which could not be accommodated within the village centre.

H2: The developer requirements for this site require a lights controlled junction access and a set back from neighbouring properties to prevent overlooking and protect the privacy of existing residential properties. On this basis, I am satisfied that the site is capable of accommodating some 15 housing units without prejudicing road safety or residential amenity. Land for employment purposes is identified elsewhere within the settlement in far more appropriate locations. In response to concerns raised by SEPA in relation to waste water, the Council has suggested that a developer requirement for a connection to the public sewer should apply to this site and all other allocations within Kyle of Lochalsh (see Issue 101: Waste water).

H6: This prominent site comprises a rocky outcrop and its development for housing would require considerable earthworks. Any development on this site would have a significant visual impact on the surrounding area and other, far more appropriate, sites have been identified for housing. No justification has been put forward for the specific allocation of this site for two housing units and there is no over-riding need for the allocation of this site. Removal of the allocation would not preclude the development of the site in the future under Policy 1 (and Structure Plan Policy G2).

MU1: The frontage of this site has been redeveloped for library purposes but land remains to the rear for further development. An off-site parking contribution is a requirement of any development and there would be no vehicular access from Old Plock Road. In response to concerns raised by SEPA in relation to waste water, the Council has suggested that a developer requirement for a connection to the public sewer should apply to this site and all

other allocations within Kyle of Lochalsh (see Issue 101: Waste water).

MU4: The appropriate assessment of the plan has concluded that the policies and proposals within the plan would have no likely significant cumulative impact on the Natura sites. SNH supports the commended change suggested by the Council subject to a revised wording for Policy 4 (see Issue 101). In response to concerns raised by SEPA in relation to waste water, the Council has suggested that a developer requirement for a connection to the public sewer should apply to this site and all other allocations within Kyle of Lochalsh (see Issue 101: Waste water).

Reporter's Recommendations

Commerce boundary: Modify boundary as shown on attached plan and restrict the commerce centre to the south of this boundary.

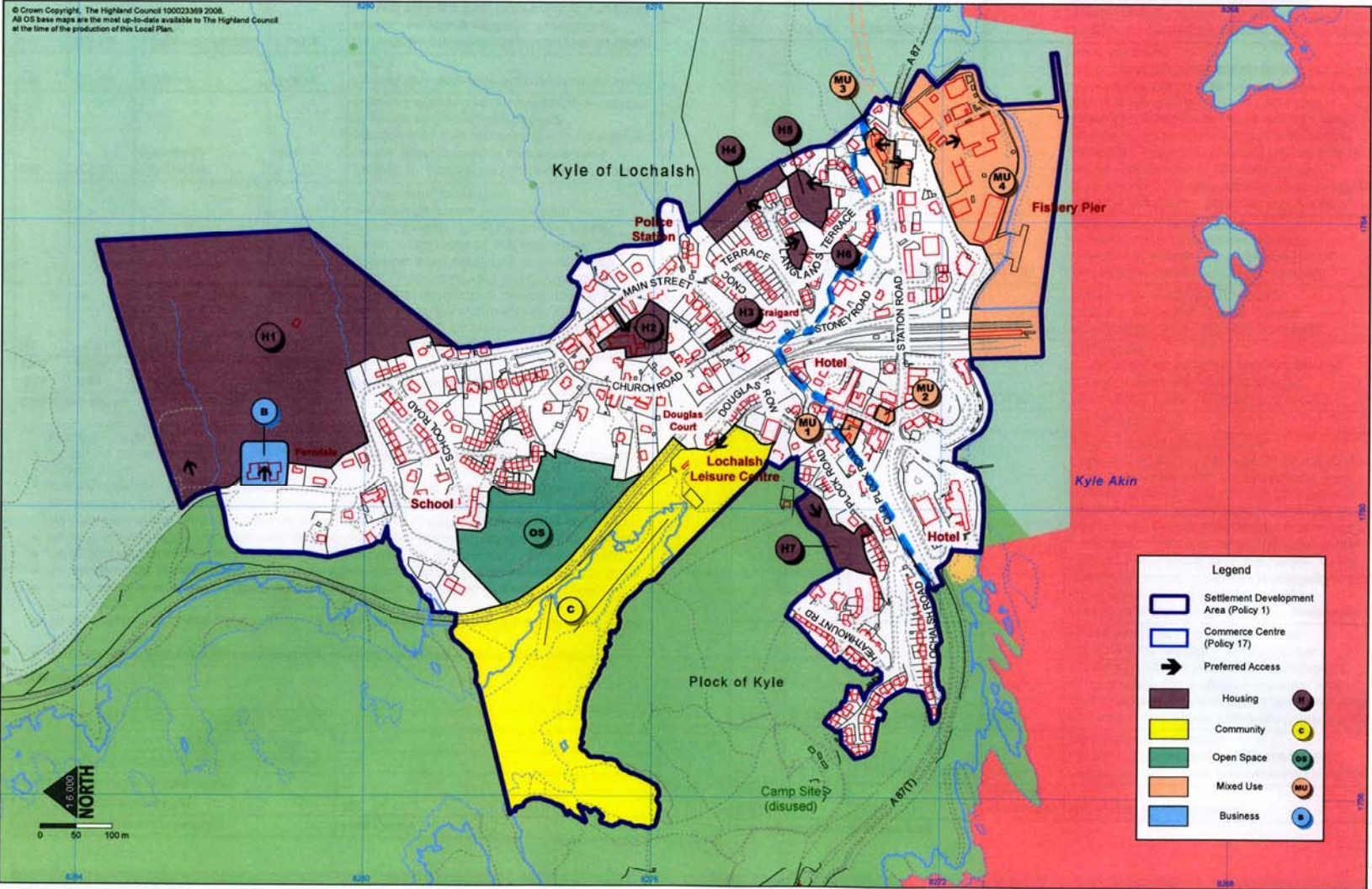
H2: No modification. Add developer requirement "Connection to the public sewer".

H6: Delete allocation.

MU1: No modification. Add developer requirement "Connection to the public sewer".

MU4: ADD developer requirements that "proposals will only be supported if developers can demonstrate no adverse effect on the integrity of the adjoining Natura site;" and "Connection to the public sewer".

INSET SL1 : KYLE OF LOCHALSH
 Inset SL1 : Caol Loch Ailise



Issue (ref and heading):	54. PLOCKTON	Reporter: Douglas G Hope
Development plan reference:	Plockton SDA (Glebe), AH2/C Land South of Cooper Street, H War Memorial Site, B1 & B2 Land N of Sewage Works & Land South of Airstrip Hangar, MU Primary School, AH1 Burnside, Commerce Boundary Text MB 68 – Map SL2 MB 69	
Body or person(s) submitting a representation raising the issue (reference no.):		
<ul style="list-style-type: none"> • <u>SDA (Glebe)</u>: J. T. Nicolson (503), N. Mackinnon (553), A. Nicolson (585), I. Begg (780), D. McAndrew (790), M. Walker (801), Architectural Heritage Society of Scotland (945) • <u>AH2/C</u>: F. Macsween & Stuart (On behalf of A. MacKenzie and others) (18), M. Newsome Linington (783), I. MacLaren (207), I. MacKenzie (300), C. M. MacRae (302), G. R. Webster (303), G. & A. James (332), Plockton & District Community Council (354), Dr & Mrs Morgan (410), M. Kennedy (414), K. & D. Havard (420), M. Ewing (481), N. Mackinnon (553), A. J. Storie (575), J. Buckley (979) • <u>H</u>: I. MacLaren (207), N. Mackinnon (553) • <u>B1 & B2</u>: Plockton Grazings Committee (241) • <u>MU</u>: N. Mackinnon (553) • <u>AH1</u>: N. Mackinnon (553) • <u>Commerce Boundary</u>: A. J. Storie (575) 		
Provision of the Development Plan to which the issue relates:	SDA, Allocations and Commerce Boundary (relates to General Policy 17)	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> • <u>SDA (Glebe)</u>: Objections to the Plan endorsing any development potential on the land because of: loss of scarce green/play space; loss of community events space; adverse built heritage impact because land integral to setting of block listing of surrounding Telford buildings; adverse impact on conservation area; adverse landscape impact; loss of key public views; distance to the alternative playing field for primary school age children; loss of scarce daylight for adjacent householder; adverse TPO impact; Cooper Street possibly providing a better elderly housing alternative; loss of climate station; poor visibility of access or listed wall/tree loss if access improved; increased on street parking and congestion; the proposal is speculative; the Council's incorrect and misleading reference to school use being infrequent (actual use frequent); loss of vital recreational and educational asset for the school; the offer of continued community use and non-Council maintenance; infrequent but beneficial community use; existing arrangements saving the Council money in providing for free and maintained open space; the land being valued open space under the terms of national planning guidance SPP11 and the Council's inaction in not undertaking an audit which would have revealed deficiencies for Plockton, and; of the land's presence within SDA inflating its value, which will prompt inappropriate development proposals. • <u>AH2/C</u>: In terms of parties seeking development potential, the intentions of the Thomas Mackenzie family are unclear from their maintained solicitor's representation but their planning application (now withdrawn) sought consent for 4 houses (by implication non-affordable) across the entire site bordered by allocations AH2 and C. Mr A. MacKenzie also sought this development potential in his previous (not maintained) representation. The other maintained party that supports the Mackenzie family position argues for development because: the site is to meet a housing need of long standing local residents; there is a precedent of other similar developments, and; there is an opportunity for good designs that could be an asset to the visual appearance of the village. Objections to the principle of any development on the land are based upon: lack of mains sewerage; increased road congestion; lack of off street parking; loss of scarce useable green/play/events space; adverse visual impact; 		

<p>adverse impact on the conservation area; adverse tourism impact; that there are better and adequate housing site alternatives such as Burnside; the claimed community consensus against the site; the claimed National Trust for Scotland support for no development on the land; the development being a departure from the Adopted Skye and Lochalsh Local Plan; the better possibility of a community buyout; the concern that further on street parking will block visibility; ground conditions being poor; coastal flood risk; the site not being safe for the elderly because there is no pavement; 2 units being a small gain compared to extent of adverse impact; adverse habitats and species impact; the Council having undertaken no audit of open space as required by SPP11 (which would have demonstrated a significant deficiency); loss of grazing land; the allocations being contrary to certain Plan objectives, and; the claim that the western part of the site is not owned by the MacKenzie family and therefore it will be difficult to implement a development that knits to the existing built form.</p> <ul style="list-style-type: none"> • <u>H</u>: Objections to development because of the site's excessive density (although lower density, higher quality design private houses may be acceptable) and fear of poor design quality. • <u>B1 & B2</u>: Objection to loss of relatively high quality croft land. • <u>MU</u>: Objection to development based on: opposition to the relocation of the primary school; the centrality of the existing school to the community and walking patterns, and; that the school provides a productive use for a building of high design quality and has attractive landscaping. • <u>AH1</u>: Fear of poor quality designs that will adversely affect quality of conservation area village. • <u>Commerce Boundary</u>: Objection to any commercial development within the older village because: there is a lack of housing within the older village and this policy would encourage change of use from housing; that too much emphasis on tourism will undermine the residential core of community, and; the allocated housing sites may be lost to second/holiday homes.
<p>Modifications sought by those submitting representations:</p> <ul style="list-style-type: none"> • <u>SDA (Glebe)</u>: Oppose inclusion within village boundary and/or request open space safeguard. • <u>AH2/C</u>: Mackenzie family seek (non-affordable) housing allocation on whole site (implied). Objectors seek deletion of allocations and exclusion of land from SDA (implied). • <u>H</u>: Lower density, stronger design quality requirements and inclusion of site within amended conservation area. • <u>B1 & B2</u>: Deletion of allocations (implied). • <u>MU</u>: Deletion of allocation (implied). • <u>AH1</u>: Stronger design quality requirements (implied). • <u>Commerce Boundary</u>: Remove boundary from historic core of village.
<p>Summary of response (including reasons) by planning authority</p> <p><u>Response(s)</u></p> <ul style="list-style-type: none"> • <u>SDA (Glebe)</u>: NO CHANGE. • <u>AH2/C</u>: RETAIN ALLOCATIONS. • <u>H</u>: RETAIN ALLOCATION. • <u>B1 & B2</u>: RETAIN ALLOCATIONS. • <u>MU</u>: RETAIN ALLOCATION. • <u>AH1</u>: RETAIN ALLOCATION. • <u>Commerce Boundary</u>: NO CHANGE. <p><u>Reasons</u></p>

- SDA (Glebe): Although the site benefits from an Adopted Local Plan designation, it was not re-allocated because of the constraints highlighted by representors. Any development of the site would have significant visibility problems which could only be addressed by a 5 metre set-back of the frontage wall and it may not be possible to retain the integrity of the wall in moving it. However, the land is central, flat, available and does not represent public open space in the sense that it is private ownership and is not laid out as public open space. Its use by the school and community is infrequent. It would therefore not be appropriate to place a development embargo on the land. With careful and high quality siting and design it should still be possible to produce an acceptable development proposal for the site. Notwithstanding the above it does not merit positive identification as a 6 unit housing site as previously suggested by the local housing association. The listed constraints are accepted but still do not justify excluding the land from the SDA or safeguarding it as valued public open space. The Plan should not be used to artificially depress land values without reference to the particular development potential merits and de-merits of the land concerned.
- AH2/C: There was a 2008 outline planning application lodged by A. MacKenzie on Site AH2/C for 4 houses which has been subsequently withdrawn. Given the polarised opinions of representors it is not possible for the Council to offer changes that will appease all concerned. It is therefore reasonable for the Plan to remain unchanged in offering a compromise between known development interests and the majority community view that the site should not be developed, in any part, for housing. The Examination will allow for independent scrutiny of the issue by the Reporter. The Council included the site in response to a developer pre-application enquiry as a means of securing public open space on the balance of a site that might reasonably expect to obtain planning permission for frontage development. There are no insurmountable servicing constraints affecting the site albeit ideal standards cannot be achieved at this and many other existing sites within the historic core. With careful and high quality siting and design it should still be possible to produce an acceptable development proposal for the frontage of the site without compromising the character of the conservation area and other heritage constraints. Burnside does meet a large proportion of the area's housing need but Cooper Street provides an opportunity in particular for accommodation suitable for the elderly in a flat and central location. Sites for such development are equally as scarce in old Plockton as areas of greenspace. The emergence of a new claimed ownership interest further complicates the viable development potential of the site but referral to Examination will allow consideration of all competing views.
- H: A particular protected species issue has been raised and merits reference. The constraints raised by representors may well curtail the actual capacity of the site when a more detailed feasibility study is undertaken. The access is likely to be below ideal standard and this and other ground condition and vegetation factors are likely to reduce house numbers. Existing requirements address other issues.
- B1 & B2: The Council believes that the land is not within crofting tenure rather an agricultural tenancy. Although of comparatively good quality it has advantages for employment uses in terms of being detached from the historic core of the conservation area, proximity to similar and compatible uses and proximity to the airstrip.
- MU: It is accepted that there is no active proposal to relocate the school. However, it is important that future options are kept open and planned for. A clarification has been included that any development would be a conversion not a demolition.
- AH1: The site benefits from an extant planning consent and is under construction.
- Commerce Boundary: The policy and boundary is to support employment and leisure uses not to promote more second / holiday home conversions. Precluding the change of use of ground floor accommodation from residential to commercial use within the core of a tourist village would not be appropriate.

Any Further Plan Changes Commended by THC

None.

Reporter's Conclusions

SDA (Glebe): The Glebe is a gap site between existing houses on Innes Street. Part of the site (roughly a third) is attached to the adjoining former Manse and is used partly as garden ground and, together with the larger area owned by the Church of Scotland, as private open space. The evidence is that the site is also used by the primary school opposite for a variety of purposes; frequently during the warmer months. It is a valued open space and forms part of the setting of the adjoining former Manse and the Church opposite (both listed buildings). It clearly forms part of the built-up area of Plockton and merits inclusion within the Settlement Development Area (SDA).

As regards its development potential, policy 1 of the Local Plan indicates that proposals within an SDA must meet the requirements of Structure Plan Policy G2 and will also be judged in terms of compatibility with the existing pattern of development, how they conform with existing land uses and the effect on any natural and cultural heritage features. Policy 4 reiterates the need to take account of the effect on natural, built and cultural heritage features. For features of national importance, such as Category A Listed Buildings, developments must not compromise the amenity and heritage resource. For features of local/regional importance, such as conservation areas and Category B & C(S) Listed Buildings, developments must not have an unacceptable impact on the amenity and heritage resource. I am reassured, therefore, that inclusion of the Glebe within the SDA does not, of itself, indicate that the site is appropriate for development. In this respect, I note that the Council recognises that the site suffers from a number of constraints, including the protection afforded by the listing of the Church, Manse and glebe walls and the difficulties associated with the provision of adequate access. I also note that the allocation of the site for housing in the previously adopted local plan has been removed because of the constraints highlighted by representors.

Attention has been drawn by representors to the inconsistency of including the gardens of properties in Innes Street within the SDA and excluding those behind properties in Harbour Street. There would seem to be no apparent reason for this and I would recommend that the SDA should include the rear gardens of the properties in Harbour Street, as does the conservation area. This area would be similarly protected by policies 1 and 4 of the local plan.

AH2/C: Although reference has been made to this area being used by the community for village activities, this site comprises boggy, ill-drained and uncultivated land. It is divided from the area of open space to the south by a post and wire fence. It is bounded to the west by garden ground attached to the housing on the south side of Cooper Street and there is housing to the north, across Cooper Street, and to the east at Rhu Point. The site is, therefore, bordered by development on three sides and comprises a gap site. Appropriately designed housing along the frontage of Cooper Street would not compromise the character of the surrounding area and would not be particularly prominent when viewed from Harbour Street, the Cooper Street frontage of the site being well screened by the trees on the adjoining land. There are no insurmountable servicing constraints. However, there are ownership issues and the development potential of the site is in question. It would not be appropriate to allocate the site for housing until its effectiveness is confirmed. Nevertheless, the site merits inclusion within the Settlement Development Area. This conclusion has been reached on the basis that the site forms part of the housing group at Cooper Street/Rhu Point and I would suggest that, to be consistent, the existing housing at Rhu Point should also be included within the SDA.

H: Attention has been drawn to the constraints placed on the development of this wooded and undulating site and the need for a well designed scheme in keeping with the character of the adjoining conservation area. The Council recognises that the constraints of topography, ground conditions, vegetation and access may well curtail the capacity of the site. I concur with this view and consider that the indicative capacity of 10 units may well be over-optimistic.

B1 & B2: The north-eastern half of site B1 comprises woodland. The south-western part of site B1 and the whole of site B2 is grazing land. There would appear to be little prospect of this land, which is considered relatively high quality crofting land in active use, becoming available for development during the lifetime of this local plan. I consider that it would be premature to identify this area for business development.

MU: There are no active proposals to relocate the existing school and it would seem somewhat premature to allocate the site for alternative uses. Retention within the SDA would achieve the same objective of controlling any future development of the site, should the school be relocated.

AH1: This site is being developed and deletion of the allocation would not be appropriate.

Commerce Boundary: The Plockton Commerce Centre, to which policy 17 of the local plan applies, includes existing housing areas within the older part of the village, such as Cooper Street, Camas An Arbhair and Bank Street, and proposed housing site H. The rationale of including such areas in the Commerce Centre has been questioned. I also note that the whole of the area centred on the High School, which includes playing fields and housing site AH1, is also included within the Commerce Centre boundary. There is no justification within the local plan for such an extensive boundary. Furthermore, I note that Plockton is not identified as a local centre in the approved structure plan and question whether its identification as a local centre in terms of policy 17 is consistent with the structure plan. Removal of the designation would have minimum impact on the local plan's ability to retain services and facilities within Plockton and policies 1 and 17 would continue to form a framework for the assessment of any proposals for retail, office, and leisure development.

Reporter's Recommendations

SDA (Glebe): No modification in relation to the Glebe. On a related matter, modify the SDA boundary to include the rear gardens of the properties fronting Harbour Street.

AH2/C: Delete both allocations but retain the site within the SDA. Consideration should be given to the inclusion within the SDA of the houses at Rhu Point.

H: Reduce the capacity to 5 units.

B1 & B2: Delete both allocations, remove site B2 and western half of site B1 from SDA.

MU: Delete allocation.

AH1: No modification.

Commerce Boundary: Remove Commerce Centre designation.

Issue (ref and heading):	55. ACHMORE	Reporter: Douglas G Hope
Development plan reference:	Achmore SDA; Allocations AH (West of Former Council Housing), H (South of Forestry Houses), C2 (North of Hall), Text MB70 – Map SL3 MB 70	
Body or person(s) submitting a representation raising the issue (reference no.):		
<p><u>SDA & H:</u> G. L. & E. A. Underhill (403), C. & J. Parsons (929) <u>AH:</u> I. Johnston (897) <u>H & C2:</u> C. & J. Parsons (929)</p>		
Provision of the Development Plan to which the issue relates:	Housing, Affordable housing, Community Allocations and SDA	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> • <u>SDA:</u> Objections to the principle of any development potential on land south of forestry cottages and on H allocation because of: loss of farmland (contrary to planning legislation); inadequate sewerage/septic tank soakaway capacity; no public transport or supporting facilities so increased vehicle movements will lead to increased pollution; poor ground conditions; pluvial and fluvial flood risk; adverse landscape and therefore tourism impact; adverse impact on habitats and species; access being difficult/expensive to construct and will lead to speeding; loss of view will be detrimental to self catering enterprise; there being better allocated land within the rest of the village. The Underhills also dispute the Council's assessment of the environmental effects of the site SEA because the site will: not yield any publicly available open space; lead to increased vehicle movements; have an adverse impact on traffic safety; cause light pollution; be a bad neighbour development; be a departure from the Adopted Skye & Lochalsh Local Plan; have an adverse landscape impact; have a protected species impact; result in a need for new culverts; be exposed to the prevailing wind, and; cause air pollution. • <u>H:</u> Objections to development because: of the loss of good farmland; it is contrary to the Plan's objectives; it is better to have no specific allocations just an SDA and single house developments; the site is contrary to the community consensus view; the Adopted Plan gave an either or choice of sites. • <u>AH:</u> Fear over pluvial flood risk and requests an assurance over existing and future land drainage infrastructure. • <u>C2:</u> Objection because of claimed community and landowner opposition and because it is not economic. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • <u>Underhill:</u> Deletion of H and exclusion of land south of H from SDA (implied). • <u>Parsons:</u> Deletion of AH, H and C2 and redrawing of SDA boundary to exclude land south of H. • <u>Johnston:</u> Stronger requirements assurance re. pluvial flood risk (implied). 		

Summary of response (including reasons) by planning authorityResponse(s)

- SDA: NO CHANGE.
- H: RETAIN ALLOCATION.
- AH: RETAIN ALLOCATION. ADD better drainage requirement as per commended change below.
- C2: RETAIN ALLOCATION.

Reasons

- SDA & H: Only a small part of the better agricultural land is allocated and this is central to the settlement. The indicative densities proposed are in line with those existing. The Plan supports improved sewerage provision. The Council has a statutory duty to produce a local plan and Achmore is an established settlement with a community facility and a significant grouping of housing and employment buildings. National planning policy supports the principle of directing housing and supporting facilities to such established settlements. The current settlement pattern is clustered and therefore further clustered development would be appropriate. Specifically for site H, the current allocation boundary seeks to achieve a compromise between competing interests. It is appropriate to safeguard land for a village-wide waste water treatment works and a development set-back from it. The ransom issue has not been confirmed to the Council and the agricultural value of the land although an important consideration does not justify an embargo on its development given the lack of suitable alternatives. There is no absolute protection for good agricultural land in planning law. The better farmland carries the more economic ground conditions for development. The river is a natural and defensible village limit boundary and the Council have recognised this by extending the SDA up to it. There is no confirmed flood risk affecting the site. There is no evidence of national or European protected habitats and species within the site. The site is in a flat, valley floor location and is read as part of the village and therefore any landscape impact, with appropriate siting and design will not be significant. No landscape designations affect the site. The village access road has good horizontal alignment and the levels difference is not significant. The potential impact on the adjacent holiday letting business' private view is also not considered significant. Privacy considerations can be addressed via appropriate siting and design at the planning application stage but the loss of a private view is not a material planning consideration. The Plan allocates a balance of employment and housing land, and the Council has evidence of a pressing need for affordable housing. The Council's newest street lighting incorporates a low, downward emission design. The Adopted Local Plan allocates this site so there is no departure.
- AH: A stronger surface water drainage requirement would be appropriate given existing conditions and potential future pluvial flooding.
- C2: The hall has no off street parking at present which can cause traffic visibility and safety issues. The same landowner has allocated land within the village which could be used to cross subsidise a small, informal car park.

Any Further Plan Changes Commended by THC

SDA, H & C2: None

AH: ADD developer requirement that "net betterment of surface water drainage".

Reporter's Conclusions

SDA & H: Site H is identified in the previously adopted local plan for housing development

in the longer term subject to the provision of a sewage treatment facility. The allocation of site H is a continuation of this proposal. The SDA extends southwards beyond site H to include an area of open land stretching as far as a small burn. A large part of this area is Rush infested and water logged and the evidence is that it is prone to occasional flooding. Furthermore, in relation to the development potential of this area, it is open to view and any development would have a significant landscape impact. There is little development on the west side of the road leading into the village from the south and I am not convinced that development beyond the southern boundary of site H would properly reflect the existing pattern of development in the village, which is largely clustered around the road junction. The field south of site H does not form part of the existing settlement, there is no suggestion that it is needed for housing or any other development purposes during the lifetime of this local plan and I am not persuaded that there are any grounds for its inclusion in the SDA in this local plan.

AH: Concerns have been expressed in relation to existing surface water drainage from site AH into adjoining property. The Council acknowledges that it would be appropriate to attach a stronger surface water drainage requirement to any proposed development of this site.

C2: It is claimed that there is community and landowner opposition to this proposal. However, the hall has no off-street parking and the additional housing proposed for Achmore has the potential to further increase the use of the hall, thus exacerbating any road safety issues at this location. The development of this small area of agricultural land is unlikely to have any detrimental effect on the viability of the farm and the provision of the proposed car park is linked to the development of the housing sites (it would not be a burden on the community).

Reporter's Recommendations

SDA & H: Remove field to south of site H from SDA.

AH: Add "including the net betterment of surface water drainage" after "suitable drainage arrangements" in Developer Requirements.

C2: No modification.

Issue (ref and heading):	56. RERAIG	Reporter: Douglas G Hope
Development plan reference:	Reraig – MU (East of Caravan Park) Text MB73 – Map SL6 MB 73	
Body or person(s) submitting a representation raising the issue (reference no.):		
R. Smuts-Miller (15), C.H. Glen-Riddell (86), D. Glen-Riddell (286), R. Holt (932)		
Provision of the Development Plan to which the issue relates:	MU Allocation	
Council's summary of the representation(s):		
<p>Objections to development on the grounds of: the allocation's excessive scale (25% settlement growth); it being contrary to the Plan objective of preserving the best agricultural land; inappropriate precedent; the height of buildings should not exceed 2 storey and single storey preferable; loss of corncrake habitat; no supporting infrastructure/services; there is already enough affordable housing within the village; adverse impact on other habitats and species; the housing not being for indigenous demand; loss of views; adverse impact on the caravan park as a tourism business and other tourism enterprises by loss of views and amenity; there being better land in Auchtertyre; pluvial flood risk, and, poor ground conditions.</p>		
Modifications sought by those submitting representations:		
Majority want deletion of site and exclusion from SDA (implied).		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u>: RETAIN ALLOCATION.</p> <p><u>Reasons</u>: The landowner, local housing association and the local shinty club are developing a proposal for a mixture of frontage housing and mixed community use (shinty pitch and clubhouse) on the balance of the field. The Council is supportive in principle of such a proposal. The land is of relatively high agricultural value but is not in crofting tenure and in large part will not be lost to irreversible development. Servicing and other constraints are not insurmountable. The allocation policies of the affordable housing agencies are constrained by housing law and it is not possible to favour certain geographic groups unless that priority relates to housing need. 1.5 storeys would be a typical rural Highland requirement but a prescriptive height would not be appropriate for a site that does not have a particular landscape sensitivity.</p>		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
<p><u>MU</u>: The proposal for this site indicates that any proposed housing would be along the main road frontage with an improved access. There is a presumption against creating new accesses onto trunk roads, as set out at Issue 111 in relation to General Policy 10, and those promoting new development proposals are required to justify setting aside this</p>		

presumption if it is found that a new access is necessary. The design and layout of any proposed houses is a matter for further detailed consideration but I consider that an appropriately designed and landscaped development in this location would be likely to have little adverse impact on the amenities of Reraig House and the occupiers of the nearby caravan site, which are partially screened by existing trees. However, I do not consider that the cul-de-sac layout shown on the indicative plan properly reflects the character and form of the existing settlement, and the number of houses proposed would appear to be cramped into a restricted site area. The pre-deposit draft local plan proposed an indicative capacity of 5 units and I consider this figure to be more appropriate in relation to the size of the existing settlement. Although reference has been made to the agricultural value and wildlife interest of the site, no concerns have been expressed by SNH in relation to the loss of this site. In relation to the cumulative effects of drainage on aquatic Natura sites, considered under Issue 101, SNH considers that it is necessary to ensure that waste water drainage is to land where there is potential drainage straight to an aquatic Special Area of Conservation, in this case to the Lochs Duich, Long and Aish Marine SAC.

Reporter's Recommendations

MU: Reduce indicative capacity to 5 units and add developer requirement "Justification for setting aside presumption against creating new junction onto trunk road if it is found to be necessary". Add settlement objective "ensure drainage to land".

Issue (ref and heading):	57. AUCHTERTYRE	Reporter: Douglas G Hope
Development plan reference:	Auchtertyre – B (Business Park), MU1 (East of Business Park), MU2 (North and West of Primary School), LT (North-east of Primary School) Text MB 74 – Map SL7 MB 74	
Body or person(s) submitting a representation raising the issue (reference no.):		
<ul style="list-style-type: none"> • <u>B & MU1</u>: M. Butler (308) • <u>MU2 & LT</u>: R. Ross (4), J. Ullman (230), M. Butler (308), I. A. Carr (310), A. Porch (313), M. Lee (936) 		
Provision of the Development Plan to which the issue relates:	MU1, MU2, B and LT Allocations/Designations	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> • <u>B</u>: Objection to allocation because: there is a lack of business demand; a waste facility would not be compatible with business uses; a waste facility would attract vermin and be a health hazard, and; the site would better be re-allocated for housing use. • <u>MU1</u>: Objection because of the commercial use restriction on the land's title. • <u>MU2 & LT</u>: Objections to development because of: lack of detail; potential loss of school playing field; severance of link from playing field to school and disruption to school access and parking; loss of greenspace behind property; less safe routes to school for many existing village residents; a better suggestion for no connection between the new A87 access and the village road network; potential loss of play area; the excessive scale and density of housing development; lack of private housing demand; concern that more development will put more pressure on already deficient trunk road junctions; pluvial flood risk; inadequate SUDS infrastructure; loss of private views and privacy; inadequate local road and parking capacity; loss of woodland with amenity and nature conservation value as owl habitat; adverse impact on otters present in the village burns, and; inadequate school capacity. 		
Modifications sought by those submitting representations:		
Majority request or imply deletion of allocations or greatly reduced scale of development.		
Summary of response (including reasons) by planning authority		
<u>Response(s)</u> : RETAIN ALL ALLOCATIONS AND LT DESIGNATION.		
<u>Reasons</u>		
<ul style="list-style-type: none"> • <u>B</u>: It is the Council's policy to search for waste management facilities on industrial or business land. The site is central to Lochalsh's population and would greatly assist in meeting the Council's recycling targets. It is only envisaged that a managed recycling centre would be required. This is a clean, good neighbour use which can be accommodated on a small site and would not discourage business uses adjacent. • <u>MU1</u>: This site suffers from ground conditions, winter daylighting and access constraints. It is also severed from the rest of the community and the school by the A87. However, it has community support and may deliver access arrangements that have a traffic calming effect on village junctions. The Council has no evidence of 		

any such title restriction and the landowner has indicated that its is available for housing or other non-commercial development.

- **MU2/LT:** Discussions with the landowner's agent and feasibility work by the Highland Housing Alliance (the Council's affordable housing landbanking organisation) have revealed that an amended layout of this wider area north west the village may deliver housing and community land and address many of the concerns of local residents. Using the old road for a new trunk road access and the closure of at least one village junction would deliver net benefits to road safety. It would also remove the direct impacts on neighbours' amenity and help overcome ransom issues within the village's confined central area. There is some spare sewerage capacity within the village and significant water capacity. The development would be phased. The allocation policies of the affordable housing agencies are constrained by housing law and it is not possible to favour certain groups unless that priority relates to housing need. The interest of landowners and developers demonstrates a response to market demand. Improved access arrangements would ensure that a shop or other community use would not overburden the constrained village road network. Achieving satisfactory and even improved run-off is a legitimate requirement. Construction disturbance will be temporary, can be minimised by planning consent conditions and will be lessened by taking access from a new junction. The primary school has spare capacity. The Plan allocates a balance of employment and housing land, and the Council has evidence of a pressing need for affordable housing. Auchtertyre is at a principal road junction and on strategic public transport routes. The Council's newest street lighting incorporates a low, downward emission design. The MU designation and the Council's Affordable Housing Policy promote the dispersal and integration of H and AH. The land merits re-allocation given the lack of effective alternatives within and closer to Kyle. The present village accesses present a trunk road safety issue and to not close off the accesses would represent a missed opportunity. Severance, turning and safety issues will need to be resolved within the expanded village by careful layout planning but these routes will be lightly trafficked in comparison and traffic speeds will be low. Preserving greenspace to the rear of particular properties is not a proper planning purpose or consideration.

Any Further Plan Changes Commended by THC

None.

Reporter's Conclusions

B: This site is partially developed. A properly sited re-cycling centre would not be incompatible with existing uses or with the allocation of the site for business and industry.

MU1: As indicated by the Council, this site suffers from ground conditions, winter daylighting and access constraints. It is also severed from the rest of the community and the school by the A87 Trunk Road. I am not persuaded that this site is appropriate for a major housing development when a more suitable site is available to the north of the A87(T) west of the existing settlement and school, the development of which would have a far lesser visual impact on the surrounding landscape.

MU2/LT: The development of this area could deliver a number of housing and community benefits, including improved access to the school. The provision of a new trunk road access and closure of at least one of the existing village junctions would have the potential to improve road safety within the village. However, there is a presumption against creating new accesses onto trunk roads, as set out at Issue 111 in relation to General Policy 10,

and those promoting new development proposals are required to justify setting aside this presumption. Relocation of the existing school play area would be desirable. The concerns of existing residents of properties adjoining the site in relation to increased run-off and flood risk, the effect on existing residential amenity and the protection of the wildlife corridor along the burn through the village, are matters to be taken into account in the detailed layout and design of the proposed development. The developer requirements require sensitive siting and design and improvements to surface water drainage. In response to concerns raised by SEPA in relation to waste water, the Council has suggested that a developer requirement for a connection to the public sewer should apply to this site (see Issue 101).

Reporter's Recommendations

B: No modification.

MU1: Delete allocation.

MU2/LT: No modification to allocations. Add developer requirements "Justification for setting aside presumption against creating new junction onto trunk road" and "Connection to the public sewer".

Issue (ref and heading):	58. DORNIE	Reporter: Douglas G Hope
Development plan reference:	Dornie SDA, Affordable Housing (AH) (Carr Brae), Mixed use (MU) (Graham House) Text MB 76 – Map SL9 MB 77	
Body or person(s) submitting a representation raising the issue (reference no.):		
<ul style="list-style-type: none"> • <u>SDA</u>: D. MacRae (692) • <u>Affordable Housing (AH)</u>: Mr & Mrs Falconer (92) • <u>Mixed Use (MU)</u>: Dornie Community Projects Group (710) 		
Provision of the Development Plan to which the issue relates:	SDA, AH and MU Allocations	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> • <u>SDA</u>: Objection to boundary enclosing good croft land because of: loss of good croft land; this being contrary to the Plan's aims of protecting good croft land; all the best in-bye land being enclosed within the SDA, and; Dornie still being an active crofting community. • <u>AH</u>: Objection to development because of: inadequate water and sewerage; lack of close primary school; no employment; inadequate local road capacity; unmet indigenous local housing need, and; the inaccurate Ordnance Survey base map. • <u>MU</u>: Objection because the care home is still in use. There is a community aspiration for elderly care use, the lack of knowledge/support from the Council's Social Work Service and unclear ownership. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • <u>SDA</u>: Exclusion of better croft land from SDA (implied). • <u>AH</u>: Deletion of allocation (implied). • <u>MU</u>: Deletion of housing as an acceptable use - should be retained for care of the elderly. 		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u></p> <ul style="list-style-type: none"> • <u>SDA</u>: NO CHANGE. • <u>AH</u>: RETAIN ALLOCATION. • <u>MU</u>: RETAIN ALLOCATION. <p><u>Reasons</u></p> <ul style="list-style-type: none"> • <u>SDA</u>: The SDA although widely drawn does not grant an automatic consent on good croftland. The Plan highlights croftland quality as a key criterion for decision making on individual applications. Development management officers will by negotiation seek to persuade applicants to site any single houses on the poorest part of individual croft units and in a position where it will no block agricultural access to the rest of the unit and any grazings. • <u>AH</u>: Site AH benefits from a recent planning consent for 38 residential units. Water supply constraints have been overcome, a sewerage solution is being negotiated and the relatively close Auchtertyre school has spare capacity. The site benefits from an extant planning consent for the allocated uses. Balancing employment land is 		

allocated and part developed at Auchtertyre. The development will have an improved access. Lochalsh's larger settlements have similar allocations. The allocation policies of the affordable housing agencies are constrained by housing law and it is not possible to favour certain groups unless that priority relates to housing need.

- MU: The community's desire to investigate an alternative use for Graham House and the Title uncertainty merits keeping options open as to the future use but a proportion of housing may be an enabling development for community aspirations. Further reassurances for neighbours and to protect public views have already been added.

Any Further Plan Changes Commended by THC

None.

Reporter's Conclusions

SDA: I consider that any housing behind the existing houses along the road frontage at Bundalloch would be incompatible with the existing pattern of development within this part of Dornie; a requirement of policy 1 of the local plan. Furthermore, any housing would be inconsistent with the objectives for Dornie, i.e. to take account of the high quality of in-bye croft land and the limited capacity of the spine access road. As regards the land at Lagg, the particular circumstances of this area are different. The land included in the SDA comprises a gap site between the houses on William Street and Lagg House and would be appropriate for limited development subject to the requirements of policy 1 of the local plan. The precise siting of any proposed house(s) would be a matter for detailed consideration on the submission of a planning application.

AH: This site benefits from an extant planning permission and is being developed. The allocation reflects this consent. A sewerage solution is being negotiated and, in relation to concerns raised by SEPA in respect of waste water, the Council has suggested that a developer requirement for a connection to the public sewer should apply to this site (see Issue 101). In relation to the cumulative effects of drainage on aquatic Natura sites, considered under Issue 101, SNH considers that it is necessary to ensure that waste water drainage is to land where there is potential drainage straight to an aquatic Special Area of Conservation, in this case to the Lochs Duich, Long and Alsh Marine SAC.

MU: Graham House remains in use as a care home and there is no evidence of any intention on the part of the Council to discontinue this use. Allocation of the site for alternative uses would seem premature and removal of allocation MU would not preclude the investigation of alternative uses for the site should the existing use be discontinued at some date in the future. Inclusion of the site within the SDA would ensure that the re-use of the building/redevelopment of the site for alternative uses would be compatible with existing surrounding uses.

Reporter's Recommendations

SDA: Modify boundary to exclude the croft land at Bundalloch to the rear of the existing housing along the road frontage.

AH: No modification to allocation. Add developer objective "Connection to the public sewer". Add settlement objective "ensure drainage to land".

MU: Remove allocation.

Issue (ref and heading):	59. INVERINATE	Reporter: Douglas G Hope
Development plan reference:	Inverinate SDA, AH (Land Next to Kintail Parish Church) Text MB79 – Map SL11 MB 79	
Body or person(s) submitting a representation raising the issue (reference no.):		
<ul style="list-style-type: none"> • <u>SDA</u>: I. A. MacRae (489) • <u>AH</u>: C. Fraser (204), D. MacRae (250), J. Talbot (544), S. & L. Kennedy (661) 		
Provision of the Development Plan to which the issue relates:	SDA and AH Allocation	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> • <u>(SDA)</u>: Objection to the principle of development east of the primary school because, this would be a departure from the Adopted Skye and Lochalsh Local Plan, of the previous planning history, poor trunk road junction and local access road capacity and the potential adverse impact on schoolchildren safety. Although the previous housing allocation on this land has been deleted the area concerned has been retained within the SDA which carries a presumption in favour of development. The Council believes that the objector is unlikely to accept this policy presumption and has therefore treated the confirmed objection as unresolved. • <u>AH</u>: Objections to development because of: lack of jobs; no locals need houses or they can build them on their family crofts; no indigenous demand so houses will go to inappropriate incomers; adverse impact on church because of proximity; adverse protected habitats and species impact; fear of crime; coastal flood risk to site and road access; claimed 1980 no development assurance from Council; property depreciation; inadequate capacity of Glebe Road; loss of peaceful rural character; inadequate drainage; adverse visual impact; increased noise pollution; construction disruption; loss of road play area; loss of church parking; impediment to beach access, and; a claimed ransom that objectors can prevent necessary road widening. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • <u>SDA</u>: Unclear - likely to want land removed from SDA (implied). • <u>AH</u>: Deletion of site and exclusion from SDA. 		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u></p> <ul style="list-style-type: none"> • <u>(SDA)</u>: NO CHANGE. • <u>AH</u>: RETAIN ALLOCATION. <p><u>Reasons</u></p> <ul style="list-style-type: none"> • <u>SDA</u>: The land was allocated in a previous Plan draft but the confirmed ransom issue led to the withdrawal of affordable housing agency interest in the site. Other access and heritage constraints also caused the site's deletion. However, the land is still in a sustainable location with an attractive outlook and the constraints are not sufficient to justify exclusion of the land from the village boundary. • <u>AH</u>: The Glebe road has no confirmed condition or coastal flooding constraint. The allocation policies of the affordable housing agencies are constrained by housing law and it is not possible to favour certain groups unless that priority relates to housing 		

need. A significant reduction in the site boundary to concentrate development on the frontage has already been made and will address heritage and neighbour concerns. Construction disturbance can be minimised by appropriate planning consent conditions. Loss of private views is not a material planning consideration. There will not be any loss of formal church parking or beach access. Not every local person has access to family croftland for their affordable housing needs and not all crofts have sufficient suitable sites in planning terms. With declining household sizes the same number of people will require more houses. The vast majority of the local housing association's units are let or sold to those with a local connection.

Any Further Plan Changes Commended by THC

- SDA: None.
- AH: None.

Reporter's Conclusions

SDA: Part of the field east of Loch Duich Primary School is identified for housing within the existing adopted local plan. This allocation has been removed because of access and heritage constraints and there would appear to be no prospect of any immediate development, following the withdrawal of the affordable housing agency's interest in the site. The site occupies a prominent position between the coastal road and the sea. I do not, therefore, consider that any useful purpose would be served by retaining the site within the SDA. The Old Manse, to the east, and the property at Dunan Daimid are detached from the rest of the settlement and any development within these areas would not be compatible with the existing pattern of development at Inverinate (East). Consequently, there is no merit in including any of the area east of the primary school within the SDA.

AH: This site has been significantly reduced in size from that shown in the pre-deposit draft local plan and is now restricted to the sea frontage. Many of the concerns expressed in relation to the previously identified larger site have been met by this reduction in size. The restriction of the number of houses to four and the developer requirements relating to the retention/replanting of woodland and to the siting and design of any housing should ensure that the impact on the amenity of neighbouring houses, the listed church and the wildlife interest is minimised. In relation to the cumulative effects of drainage on aquatic Natura sites, considered under Issue 101, SNH considers that it is necessary to ensure that waste water drainage is to land where there is potential drainage straight to an aquatic Special Area of Conservation, in this case to the Lochs Duich, Long and Alsh Marine SAC.

Reporter's Recommendations

SDA: Remove the whole of the area east of Loch Duich Primary School from the SDA.

AH: No modification. Add settlement objective "ensure drainage to land".

Issue (ref and heading):	60. AVERNISH-NOSTIE	Reporter: Douglas G Hope
Development plan reference:	Avernish-Nostie SDA Text MB 85 – Map SL20 MB 85	
Body or person(s) submitting a representation raising the issue (reference no.):		
A. G. Mackay (112), G.E. Martin (233), M. Mackay (980)		
Provision of the Development Plan to which the issue relates:	SDA	
Council's summary of the representation(s):		
<p>Objections to development on grounds of: the current boundary is a departure from the Adopted Skye and Lochalsh Local Plan; the abandonment of the previous 2 dwellings per croft limit; a breach of the previous restriction on holiday accommodation; the scale of development since 1999 and its adverse impact; inadequate single track spine road; the costs of road improvements; inadequate water supply, and; the breach of the seaward side of road development restraint policy.</p>		
Modifications sought by those submitting representations:		
Deletion of Avernish-Nostie SDA (implied).		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u>: NO CHANGE.</p> <p><u>Reasons</u>: The settlement objectives seek to ensure that all new development proposals are dependent upon proportionate network improvements. Average speed is a criterion for crash barrier provision and paradoxically the route's poor alignment has a traffic calming effect. The SDA boundary reflects consents granted on the seaward side of the road. Water and electricity network improvements will also be a developer cost. The scale of expansion is significant but has been achieved largely via dispersed development and without undue landscape impact.</p>		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
<p>Planning permissions have been granted within recent years for some seven new dwellings on the seaward side of the road between Seathrift and Avernish House, a number of which remain to be constructed. The Council accepts that the scale of development that has taken place at Avernish is significant but considers that this has been achieved without undue landscape impact. However, concerns have been raised regarding the impact of recent developments and of potential future developments in terms of traffic generation and the availability of water and electricity supplies, and the effect on the landscape character of the area. Nevertheless, the SDA boundary reflects the distribution of planning permissions that have been granted on the seaward side of the public road.</p>		

In relation to the control of any potential future developments, the settlement objectives require proportionate developer contributions to fund improvements to local roads and the water supply network, exceptional siting and design, and the safeguarding of in-by croft land. Policy 1, which applies to all Settlement Development Areas, requires all proposals to meet the requirements of Structure Plan Policy G2, which sets out a number of criteria for new developments, including compatibility with service provision (water and sewerage, drainage, roads, schools, electricity) and sensitive siting and high quality design in keeping with local character and the natural environment. If these safeguards are properly applied, I am satisfied that any future development should not have any undue adverse impact on the existing community at Avernish or on the landscape character of the area. In relation to the cumulative effects of drainage on aquatic Natura sites, considered under Issue 101, SNH considers that it is necessary to ensure that waste water drainage is to land where there is potential drainage straight to an aquatic Special Area of Conservation, in this case to the Lochs Duich, Long and Alsh Marine SAC.

Reporter's Recommendations

No Modification to SDA boundary. Add settlement objective "ensure drainage to land".

Issue (ref and heading):	61. CAMAS LUINIE	Reporter: Douglas G Hope
Development plan reference:	Camas Luinie SDA Text MB 86 – Map SL22 MB 86	
Body or person(s) submitting a representation raising the issue (reference no.):		
D. Matheson (384)		
Provision of the Development Plan to which the issue relates:	SDA	
Council's summary of the representation(s):		
Request for extended SDA on grounds of: insufficient developable land within SDA and within representor's control; it being needed for returning family members; no undue landscape impact; the land being serviceable; the land being poor croft land, and; evidence of ruins.		
Modifications sought by those submitting representations:		
Extension of SDA to north.		
Summary of response (including reasons) by planning authority		
<u>Response(s)</u> : NO CHANGE.		
<u>Reasons</u> : Minor extensions have already been made to the SDA on all sides to allow a suitable extension of the existing clustered settlement pattern. The larger extension to the north would not be in keeping with this pattern. The suggested change may compromise landscape and road capacities. The Plan's countryside policies don't place an embargo on development outwith the SDA and therefore single, well separated houses may still be suitable in this area subject to adequate siting, design and other site-specifics.		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
<u>SDA</u> : The requested extension to the SDA to the north of Whitefalls comprises elevated and exposed land, the development of which would not be compatible with the existing clustered pattern of development at Camas Luinie. Consequently, the inclusion of the area within the SDA, thus indicating that it has potential for development, would not be appropriate.		
Reporter's Recommendations		
<u>SDA</u> : No Modification.		

Issue (ref and heading):	62. SALLACHY	Reporter: Douglas G Hope
Development plan reference:	Sallachy SDA Text MB 87 – Map SL23 MB 87	
Body or person(s) submitting a representation raising the issue (reference no.):		
J. C. MacRae (723), Scottish Natural Heritage (SNH) (697)		
Provision of the Development Plan to which the issue relates:	SDA	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> Request for extension of SDA because: the SDA as drawn only allows development on one apportionment not on truly common grazings that would benefit the wider crofting community; the Crofters Commission will not allow development on in by land; the additional suggested area would be on common grazings and will be serviceable, and; of the lack of local sites to satisfy demand. SNH concern over potentially adverse landscape impact of ad hoc development within the undeveloped portion of the present SDA. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> Extension of SDA to east. Scottish Natural Heritage (SNH) seek stronger developer requirement for "production of a master or design plan for the expansion area to be submitted at the same time as the first planning application" 		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u>: NO CHANGE.</p> <p><u>Reasons</u>: The objectives have already been amended to encourage a co-ordinated crofting community led expansion of the settlement. Such a proposal would replicate a traditional scattered crofting pattern. The suggested strengthening of the requirement is not proportionate to the scale of development and the resources of a grazings committee. A further extension to the SDA may threaten landscape and road capacity. The apportionment area could still be developed on a collective basis and other capacity exists on poorer land within the SDA.</p>		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
<p><u>SDA</u> As regards the extension of the SDA to include the detached area to the east, any development within this area would be incompatible with the existing pattern of development within this crofting township.</p> <p>In relation to SNH's objection to the inclusion within the SDA of the large area of hill ground to the east of the in-by land because of the potential adverse effect on the landscape</p>		

character of this crofting township, this concern could be addressed by a design brief for the area or detailed objectives. The Council considers SNH's suggested strengthening of the requirement for a collective, community development through the preparation of a master or design plan for the area is not proportionate to the scale of development envisaged. On balance, I support the views of SNH in relation to this matter and consider that there is a danger that, without any such requirement, ad hoc development would take place in this area that would be insensitive to the landscape character of the township. I conclude that, without the requirement for a design brief, this area should be removed from the SDA.

In relation to the cumulative effects of drainage on aquatic Natura sites from development within the SDA, considered under Issue 101, SNH considers that it is necessary to ensure that waste water drainage is to land where there is potential drainage straight to an aquatic Special Area of Conservation, in this case to the Lochs Duich, Long and Aish Marine SAC.

Reporter's Recommendations

SDA No modification to SDA boundary in relation to inclusion of detached area to east.

Remove from SDA the area which is the subject of SNH's objection. Add settlement objective "ensure drainage to land".

Issue (ref and heading):	63. ARMADALE	Reporter: Douglas G Hope
Development plan reference:	Armadale MU1 (Between the potteries), MU2 (Armadale Bay), SDA (Land at Armadale Pier) Text MB96 – Map SL34 MB 97	
Body or person(s) submitting a representation raising the issue (reference no.):		
<ul style="list-style-type: none"> • <u>MU1</u>: P. Chaplin (223) • <u>MU2</u>: Scottish Environment Protection Agency (SEPA) (446) • <u>SDA (Land at Armadale Pier)</u>: A. M. Masson (445) 		
Provision of the Development Plan to which the issue relates:	SDA (Former MU3 Armadale Pier), MU1 allocations	
Council’s summary of the representation(s):		
<ul style="list-style-type: none"> • <u>MU1</u>: Objection to excessive density of proposal and the site’s exposure to the northerly wind. • <u>MU2</u>: Concern re. flood risk. • <u>SDA (Land at Armadale Pier)</u>: Seeks re-allocation of former site because: of Sleat Community Trust support; of the previous allocation of the land for tourist/community/commercial uses; she is the part owner of the site and wishes to pursue a horticultural development; development will result in a net environmental improvement from the site’s present condition; this is an important visual gateway location; of her good past track record of development of low key tourist facilities; the community could finance redevelopment of the site; there are no maintained objections; of the lack of similar tourist site alternatives, and; although car parking and access are poor this could be improved by redevelopment. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • <u>MU1</u>: Reduction in density • <u>MU2</u>: Strengthen flood risk requirement • <u>SDA(Land at Armadale Pier)</u>: Reintroduction of previous allocation. 		
Summary of response (including reasons) by planning authority		
<p><u>Response(s) & Reasons</u></p> <ul style="list-style-type: none"> • <u>MU1</u>: RETAIN ALLOCATION. There is a planning consent for 14 residential units and 2 shops / workshops on site MU1 which has already confirmed the principle of a current development proposal. • <u>MU2</u>: RETAIN ALLOCATION. A strengthened flood risk requirement is appropriate - see commended change below. • <u>SDA (Land at Armadale Pier)</u>: NO CHANGE. The Council previously recognised the potential of the land with an allocation but removed it in the light of neighbour objections which highlighted the constraints of parking, congestion, access, ground conditions, cost of coastal protection, and marshalling yard safety issues. Moreover the previous proposal for the area is now very unlikely to obtain the same degree of public funding. Therefore the suggested proposal has merit but is very unlikely to be feasible. 		

Any Further Plan Changes Commended by THC

- MU1: None.
- MU2: AMEND developer flood risk requirement to read, “Flood risk assessment will be required; built development to avoid flood risk area; water related uses only, within flood risk area.”
- SDA (Land at Armadale Pier): None.

Reporter’s Conclusions

MU1: This site benefits from an extant planning permission and is being developed. The allocation reflects this consent. In relation to concerns raised by SEPA in respect of waste water, the Council has agreed that a developer requirement for a connection to the public sewer should apply to this site (see Issue 101).

MU2: The Highland Council has accepted that a flood risk assessment should be carried out before any development takes place and that any built development should avoid the flood risk area with water related uses, only, within the flood risk area. I am satisfied that the proposed amendment to the Developer Requirements would be sufficient to ensure protection against flood risk.

SDA: Allocation MU3 in the deposit draft local plan 2007 includes a commercial business and the area immediately to the rear, which comprises unkempt unused land and the remains of a derelict building. It has been used as a dumping ground in the past. The site is in a prominent position close to the ferry terminal and clearly has development potential, subject to appropriate safeguards in relation to siting and design, the provision of a safe access and adequate car parking, flood risk and protection of the natural heritage. The redevelopment of this area, subject to the above safeguards, would provide a net environmental benefit. The earlier objection to allocation MU3 has been withdrawn and Sleat Community Trust supports the allocation of this site for tourism, community and commercial development. The Council acknowledges that the suggested proposal has merit but questions its feasibility due to the lack of public funding. Nevertheless, the site has potential and I consider that it would be appropriate to include the site within the SDA. Any subsequent proposals would then be judged against policy 1 of the local plan (incorporating structure plan policy G2).

Reporter’s Recommendations

MU1: Add developer requirement “Connection to the public sewer”.

MU2: Modify Developer Requirements by deletion of words “Built development will not generally be permitted on medium to high flood risk areas” and replace by “Built development to avoid flood risk area. Only water-related or harbour uses would be acceptable within flood risk areas”.

SDA: Modify the SDA boundary to include the site occupied by allocation MU3 in the deposit draft local plan 2007.

Issue (ref and heading):	64. TARSKAVAIG	Reporter: Douglas G Hope
Development plan reference:	Tarskavaig SDA Text MB98 – Map SL35 MB 98	
Body or person(s) submitting a representation raising the issue (reference no.):		
D. MacInnes (989), Tarskavaig Common Grazings Committee Clerk (J. MacDonald) (990)		
Provision of the Development Plan to which the issue relates:	SDA	
Council’s summary of the representation(s):		
Seek extensions to the SDA because: this will meet potential local family housing need; the particular apportionment of the common grazings is close to the family croft and within the township, and more generally; the SDA should follow the township boundary and adjoining apportionments.		
Modifications sought by those submitting representations:		
Extension of SDA to include at least one apportionment and ideally the whole township and adjoining apportionments.		
Summary of response (including reasons) by planning authority		
<u>Response(s)</u> : NO CHANGE.		
<u>Reasons</u> : The SDA is a boundary to enclose areas where development will be supported subject to the site-specifics of particular applications. Therefore, it will not always follow crofting township boundaries. The additional areas identified may compromise landscape character. Scottish Natural Heritage (SNH) lodged a previous representation opposing development harmful to the particular “classic” coastal crofting landscape character of the area. The SDA has already been extended beyond the limits of existing development.		
Any Further Plan Changes Commended by THC		
None.		
Reporter’s Conclusions		
<u>SDA</u> : Extensions to the SDA are sought to the north, west and south-east of the existing SDA boundary to include the whole of the township area. In relation to the land situated between the SDA boundary and the coastline, and to the south of the public road leading to Tarskavaig Point, I agree with the Council and SNH that to encourage development in this area through inclusion within the SDA would harm the “classic” coastal crofting landscape character of this area. However, the township boundary to the north-west of this road would appear to be a more appropriate settlement boundary and would include land capable of a limited amount of development without compromising the settlement pattern of this crofting community. As regards the land to the south-east of the proposed SDA boundary, the area identified as the apportionment at no.18, I do not consider that further housing beyond the property ‘Buaila Ness’ would be compatible with the existing pattern of development.		
Reporter’s Recommendations		
<u>SDA</u> : Modify the boundary to the north and west of the road leading to Tarskavaig Point so that it follows the township boundary.		

Issue (ref and heading):	65. FERRINDONALD & TEANGUE	Reporter: Douglas G Hope
Development plan reference:	Ferrindonald & Teangue SDA, H1 (Manse Field), H2 (Teangue) Text MB 98 – Map SL36 MB99	
Body or person(s) submitting a representation raising the issue (reference no.):		
<ul style="list-style-type: none"> • <u>SDA</u>: U. Macleod (709) • <u>H1 & H2</u>: W. & A. Richmond (598) 		
Provision of the Development Plan to which the issue relates:	SDA and Housing Allocations	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> • <u>SDA</u>: Objection to any additional development that will add vehicle trips to the lower section of the Teangue / Saasaig road because of: traffic impact on residential property adjacent to lower Teangue road; evidence of damage to house especially by construction vehicles, and; the better suggestion for a new road on a different alignment to serve upper Teangue. • <u>H1 & H2</u>: Objection to development because of: light pollution; loss of farmland (H1 only); impact on farm unit viability (H1 only), and; the reduced ability to provide locally grown food (H1 only). 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • <u>SDA</u>: New road on different alignment to serve Saasaig / upper Teangue or no further development that would add vehicle trips to the lower section of the Teangue/Saasaig road. • <u>H1 & H2</u>: Deletion of sites and exclusion of land from SDA (implied). 		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u></p> <ul style="list-style-type: none"> • <u>SDA</u>: NO CHANGE. • <u>H1</u>: RETAIN ALLOCATION. • <u>H2</u>: RETAIN ALLOCATION. <p><u>Reasons</u></p> <p><u>SDA</u>: The Council are in discussions with the owner of the property adjacent to the lower Teangue road and have offered to undertake some improvements provided a prior engineering assessment is made.</p> <p><u>H1</u>: Although good agricultural land, the site is not in crofting tenure and is not essential to the viability of the wider unit. The land can be developed without compromising adjoining residential amenity. There are few alternative, non-crofting housing sites in the settlement. The Council's newest street lighting incorporates a low, downward emission design.</p> <p><u>H2</u>: The land can be developed to mirror the adjoining settlement pattern and to safeguard adjoining residential amenity. There are few alternative, non-crofting housing sites in the settlement. The Council's newest street lighting incorporates a low, downward emission design.</p>		

Any Further Plan Changes Commended by THC

None.

Reporter's Conclusions

SDA: Some improvements have been carried out in relation to road drainage in the vicinity of the property situated close to the junction of the Teangue/Sasaig Road and the A851 in response to the concerns raised regarding the ingress of water. The development of site H4 for four houses and any additional individual houses in Upper Teangue are unlikely to lead to any material increase in the amount of traffic utilising the Teangue/Sasaig Road and, consequently, the possibility of damage to the roadside property.

H1 & H2: The development of site H1 could be achieved with little adverse effect on the residential amenity of neighbouring houses subject to an appropriate design and layout and screen planting along the western boundary. Low intensity street lighting should ensure that the development has a minimum impact on the surrounding area. Planning consent has been granted for the development of site H2 for four houses. Again, subject to an appropriate design and layout, including street lighting, the development of this site should have a minimum impact on the surrounding area.

Reporter's Recommendations

SDA: No modification.

H1 & H2: No modification.

Issue (ref and heading):	66. KILBEG	Reporter: Douglas G Hope
Development plan reference:	Kilbeg - Suggested Housing Allocation Text MB100 – Map SL37 MB 101	
Body or person(s) submitting a representation raising the issue (reference no.):		
Suggested Housing Allocation: Church of Scotland Strath & Sleat Glebe (98)		
Provision of the Development Plan to which the issue relates:	Suggested Housing Allocation	
Council's summary of the representation(s):		
Seek new housing allocation because: neighbouring land has already been designated for building purposes; a number of buildings have been erected on the land adjoining i.e. a house used as a Manse, a primary school, a health centre and a further education college; the land at present has virtually no agricultural value being used only for rough grazing and is therefore not significant within the current tenant's farm enterprise; the visual amenity of the open space need not be destroyed and could even be enhanced with a carefully planned residential development; the conservation value of the site is very limited and has been even further reduced by the removal of the roadside trees during the road improvement programme; the need for housing in Sleat, and; the land's proximity to the school and health centre.		
Modifications sought by those submitting representations:		
Housing allocation on Glebe land between Kilbeg and Kilmore.		
Summary of response (including reasons) by planning authority		
<u>Response(s)</u> : NO CHANGE.		
<u>Reasons</u> : Although the land is central to many local facilities and there are other seaward side of the road development precedents, the suggested extension / allocation would erode the distinction and physical separation between Kilmore and Kilbeg and may lead to householder pressure to clear adjacent native woodland. Adequate and better alternative housing land has been allocated.		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
<u>SDA</u> : Whilst there has been development on land to the south-west of the house used as a Manse, including the primary school, health centre and Gaelic College, these developments are mostly sited within woodland. The area referred to as 'The Glebe' is open land in a prominent location affording wide views out to sea from the A851. Any development on 'The Glebe' would be visually intrusive and I agree with the Council that the development of this land for housing would erode the distinction and physical separation between Ferrindonald/Kilmore and Kilbeg.		
Reporter's Recommendations		
<u>SDA</u> : No modification.		

Issue (ref and heading):	67. ACHNACLOICH	Reporter: Douglas G Hope
Development plan reference:	Achnacloch SDA Text MB104 – Map SL40 MB104	
Body or person(s) submitting a representation raising the issue (reference no.):		
R. Lintott (991) Scottish Natural Heritage (SNH) have made a general objection requesting better referencing of SSSI interests which is addressed under the General Issue Schedule 4.		
Provision of the Development Plan to which the issue relates:	SDA	
Council's summary of the representation(s):		
Objection to non-inclusion of land within the SDA on grounds of: the extension of the SDA would enclose existing development; no coastal flood risk; the site being on the landward side of the road and therefore there being no impact on public seaward views; no adverse landscape impact because the land is low lying; the poor agricultural quality of the land because of its rocky nature, and; spare water supply capacity.		
Modifications sought by those submitting representations:		
Extension of SDA boundary.		
Summary of response (including reasons) by planning authority		
<u>Response(s)</u> : NO CHANGE other than amended heritage objective detailed below. <u>Reasons</u> : The suggested extension would enclose too large an area and would support development that would not replicate the existing linear crofting settlement pattern.		
Any Further Plan Changes Commended by THC		
AMEND objective “to protect the geological Site of Special Scientific Interest at the north end of the settlement”.		
Reporter's Conclusions		
<u>SDA</u> : Although the area of ground to the north of Gillean House is located on the landward side of the public road, any development on this site would be extremely prominent in views from a number of locations. The inclusion of the area of land identified in the representation within the SDA would indicate that the site has potential for housing, which would not be compatible with the existing linear crofting settlement pattern at Achnacloch.		
Reporter's Recommendations		
<u>SDA</u> : No modification to SDA boundary. Modify objective 5 to read “To protect the geological Site of Special Scientific Interest at the north end of the settlement”.		

Issue (ref and heading):	68. EILEAN IARMAIN & CAMASCROSS	Reporter: Douglas G Hope
Development plan reference:	Eilean Iarmain & Camascross SDA, MU (North-east of Park Cottage) Text MB107 – Map SL42 MB 106	
Body or person(s) submitting a representation raising the issue (reference no.):		
<ul style="list-style-type: none"> • <u>SDA</u>: Scottish Natural Heritage (SNH) (697) • <u>MU</u>: P. Christie (718) 		
Provision of the Development Plan to which the issue relates:	SDA and MU Allocation	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> • <u>SDA</u>: Objection to undeveloped Duisdalebeg section of SDA on grounds of: the potentially adverse landscape impact of developing it because it is part of an undeveloped open vista when travelling south on the A851; the river represents a better natural settlement dividing line, and; development here would be unplanned and ad hoc. • <u>MU</u>: Objection to development because of loss of public view from road and because this open land has been used historically for the village games/festival. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • <u>SDA</u>: - Scottish Natural Heritage (SNH) seek developer requirement for “production of a master or design plan for the expansion area to be submitted at the same time as the first planning application”. • <u>MU</u>: - Deletion of site (implied). 		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u></p> <ul style="list-style-type: none"> • <u>SDA</u>: NO CHANGE to boundary but see commended change below re. additional objective to secure appropriate expansion • <u>MU</u>: RETAIN ALLOCATION but reduce as commended change below. <p><u>Reasons</u></p> <ul style="list-style-type: none"> • <u>SDA</u>: The land was included within the extended SDA because of the lack of suitable, serviceable alternatives and knowledge of the aspirations of the local crofting community. The commended further change will make the need to replicate a traditional crofting settlement pattern more explicit. Scottish Natural Heritage's (SNH) suggested wording is not proportionate to the scale of development and the resources of a grazings committee. • <u>MU</u>: The land is constrained in terms of potential impact on public seaward views but the unavailability and difficulties in servicing alternatives together with apparent community consensus support, support the allocation of the land subject to the stated safeguards. Subsequent discussions between the landowner and community interests have revealed that a smaller site would be adequate and feasible. 		

Any Further Plan Changes Commended by THC

- SDA: ADD OBJECTIVE to secure a collective, crofting community development of the township expansion area.
- MU: REDUCE site BOUNDARY to that in the immediate vicinity of hall with shared access and parking.

Reporter's Conclusions

SDA: The land to the north of the A851 comprises undulating moorland divorced from the more intimate crofting landscape to the south of the public road. It is widely open to view from the A851 and I agree with SNH that this area is not appropriate for un-planned ad hoc housing development, which would have the potential to cause significant adverse landscape impact. The production of a collaborative master/design plan for this area, which would satisfy SNH's concerns, is most unlikely and I am not persuaded that the Council's suggested objective provides sufficient guidance to ensure a satisfactory scale, design and layout of development within this area. I am not convinced that housing within this area would properly reflect and be compatible with the character and existing pattern of development at Duisdalebeg and Eilean Iarmain.

MU: The allocated area includes land associated with Duisdale Hall, the curtilage of an existing house and part of a field. In response to the representations received, the Council suggests that the allocation be reduced to include only the land within the immediate vicinity of the hall, part of which is used as car park. This reduction in the size of the allocated site renders the local plan proposal for a business, tourism, local shop/café development largely redundant and I see no merit in retaining the allocation. Inclusion within the SDA of the Hall and its immediate surroundings, and the curtilage of the existing house, would be appropriate and would ensure that any proposal for development on land immediately adjoining the Hall would be assessed against policy 1 and other relevant policies in the local plan.

Reporter's Recommendations

SDA: Except for the existing workshop immediately adjacent to the A851, remove from the SDA the area to the west of the Allt Duisdale and north of the A851.

MU: Remove the allocation and amend the SDA boundary to exclude the field east of Park Grange but include the whole of the curtilage of the existing dwellinghouse.

Issue (ref and heading):	69. KYLERHEA	Reporter: Douglas G Hope
Development plan reference:	Kylerhea SDA Text MB 107 – Map SL43 MB 107	
Body or person(s) submitting a representation raising the issue (reference no.):		
A. & S. Scott (247), J. Bannister (752), Scottish Natural Heritage (SNH) (697)		
Provision of the Development Plan to which the issue relates:	SDA	
Council's summary of the representation(s):		
Objections on grounds of: the objective wording being too vague to be enforceable; loss of traditional settlement pattern and better croft land if the central area is developed; irreversible loss of good in bye land; there is sufficient alternative potential within the rest of the SDA, and; potential adverse natural heritage impact.		
Modifications sought by those submitting representations:		
Exclusion of central area from SDA. Greater natural heritage safeguards.		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u>: NO CHANGE to boundary. See below re. commended augmentation of heritage objectives.</p> <p><u>Reasons</u>: Planning consent for 1 house has recently been granted on appeal on the central in bye land. This recent appeal decision has set a powerful precedent regarding the future of this land. The Reporter concluded that the central area of the SDA was acceptable for development in terms of settlement pattern and road capacity, and did not record any concern in terms of croft land quality. The Council resolved to follow the Reporter's lead given the even balance of planning merits for and against development in the central area. Further heritage safeguards are commended and appropriate to known interests but it is not clear whether these are acceptable to Scottish Natural Heritage (SNH).</p>		
Any Further Plan Changes Commended by THC		
ADD objectives "to secure a developer funded otter survey where appropriate" and "to avoid significant cut and fill in the visually prominent parts of the settlement".		
Reporter's Conclusions		
<p><u>SDA</u>: The large extension to the north and west of the ferry road proposed in the deposit draft local plan 2007 has been reduced to a 100m wide strip beside the road in response to the concerns of SNH. This strip of land comprises steep rocky terrain and I endorse SNH's concerns about the likelihood of unsightly cut and/or fill being required to develop this area. SNH strongly recommends that an objective be added indicating "No significant cut and fill in visually prominent areas". The Council has acceded to this request and has commended an appropriate change to the objectives in respect of Kylerhea. SNH is also content that the overlap with the SAC and SSSI has been removed. However, in relation to the cumulative effects of drainage on aquatic Natura sites from development within the SDA,</p>		

considered under Issue 101, SNH considers that it is necessary to ensure that waste water drainage is to land where there is potential drainage straight to an aquatic Special Area of Conservation, in this case to the Lochs Duich, Long and Alsh Marine SAC. Its concerns regarding the proximity of otter holts can be met by the addition of a further objective in relation to securing the carrying out of an otter survey where appropriate prior to any development along the coastal section of the SDA.

In relation to the objections to the inclusion of the better croft land in the central portion of the township within the SDA, objective 3 indicates that development within the SDA will be directed to the poorer parts of crofts. Policy 1 (together with structure plan policy G2) also indicates that new development should be compatible with the existing pattern of development and should not have a significantly detrimental effect on natural and cultural heritage features. Locally important croft land is identified as such a feature. I am satisfied that the stated objective and policy 1 provide sufficient safeguards to ensure that proper consideration is given to the protection of good in-bye land within the SDA when assessing any development proposals within the SDA.

Reporter's Recommendations

SDA: No modification to boundary of SDA. Add to objectives as commended by the Council: "To avoid significant cut and fill in the visually prominent parts of the settlement" and "To secure a developer funded otter survey prior to any development along the coastal section of the SDA". Also add further objective "ensure drainage to land".

Issue (ref and heading):	70. KYLEAKIN	Reporter: Douglas G Hope
Development plan reference:	H1 (Old Kyle Farm Road), H2 (Former Dairy), AH (East of Playing Field), B1 (N of Primary School), MU (Former Youth Hostel), LT (South of Playing Field), I (Altanavaig Quarry) Text MB 108 – Map SL44 MB 109	
Body or person(s) submitting a representation raising the issue (reference no.):		
<p>C. Clouston (AH, H2, B1, LT) (82) L. R. Graham (H1, I) (522) D. Mellor (H1) (133) Kyleakin & Kylerhea Community Council (MU) (231) Kyleakin & Kylerhea Community Company (MU) (365) Scottish Natural Heritage (SNH) (I) (697) I. Sikorski (MU) (881) P. Lyons & S. Newband (MU) (888) J. Mackinnon (H1) (895) S. Dew (AH, H2) (896) H. M. Grant (AH, H2) (906)</p>		
Provision of the Development Plan to which the issue relates:	Site Allocations.	
Council's summary of the representation(s):		
<p><u>H1</u>: Owner of part of site seeks extension on the grounds that: adequate trunk road access is possible; the land is required for a family housing need; part of the area benefits from a previous albeit lapsed planning consent; the land is adjacent to that zoned for development or developed; he has already funded a tidy up of the site, and development will cross-subsidise redevelopment and environmental improvement of the former filling station land. Neighbours oppose further development because: recent developments on the same site have encountered severe ground conditions problems; further development will encounter the same problems and will magnify flooding issues, and; previous developers have a poor track record in dealing with surface water drainage problems.</p> <p><u>H2</u>: The landowner believes this would better be earmarked for private housing because this would yield a higher value. A neighbour is concerned about the potential close proximity of the site's access road to their property.</p> <p><u>AH</u>: The landowner believes this would better be earmarked for private housing because this would yield a higher value. A neighbour is concerned about the potential close proximity of the site's access road to their property.</p> <p><u>B1</u>: The landowner asserts that the site is unsuitable for business development and would be better used for affordable housing.</p> <p><u>MU</u>: Parties believe the former youth hostel should only be used for community or business purposes because: of the loss of tourist trade on which the village depends; the loss of facilities in terms of internet access, showers and laundry which are very attractive to tourist yachts; the recent loss of shops and public toilets; the loss of previous business allocations to housing uses; the commercial attractiveness of the site's centrality, passing trade, adjacent car parking and attractive outlook; of the long standing commercial use of building; the loss of a visitor destination facility in a bypassed village; the long term public sector cost of a declining village; other allocated business sites are not in commercially attractive locations or suffer from planning problems, and; other better alternatives are already allocated for affordable housing.</p> <p><u>LT</u>: The landowner believes that this should be available for housing because: part of it is</p>		

bare land croft which carries an automatic presumption in favour of development; she has retained legal right of access to the land, and; she has already given up land to the community for the football pitch.

I: Owner of part of site bemoans lack of consultation with him and other owners regarding the future of the site. He also disputes the restriction on commercial uses on this site because of the need for economic development at the bridgehead as well as within the village. SNH request that for sites where particular development proposals could have a significant adverse impact on Natura sites, that such developments be precluded by the terms of the policy.

Modifications sought by those submitting representations:

- C. Clouston - Requests the following land use changes – AH to H; B1 to AH; LT and land to south to H.
- L. R. Graham - Extend H1 to west, no restriction on uses at quarry site I.
- D. Mellor - Delete undeveloped part of H1 (implied).
- Kyleakin & Kylerhea Community Council – MU - Amend acceptable uses to just business and community.
- Kyleakin & Kylerhea Community Company – MU - Amend acceptable uses to just business.
- Scottish Natural Heritage (SNH) – I - Stronger reference to and safeguard for SAC.
- Sikorski – MU - Amend acceptable uses to business / tourism only.
- P. Lyons & S. Newband – MU - Amend acceptable uses to commercial only.
- J. Mackinnon - Delete undeveloped part of H1 or guarantee net betterment of surface water drainage (implied).
- S. Dew - A firmer indication of access point to AH and H2.
- H. M. Grant - An access defined away from the eastern boundary of sites AH and H2.

Summary of response (including reasons) by planning authority

Response(s)

H1: RETAIN ALLOCATION.

H2: RETAIN ALLOCATION.

AH: RETAIN ALLOCATION.

B1: RETAIN ALLOCATION.

MU: RETAIN ALLOCATION but see commended change below to reflect recent planning consent.

LT: RETAIN DESIGNATION.

I: RETAIN ALLOCATION but add stronger appropriate assessment dependency wording.

Reasons

H1: The Council has increased the capacity of road related drainage infrastructure but a permanent and comprehensive solution would lie with intercepting the hill flow west of the site. A net betterment requirement for on and off site surface water drainage already exists. The landowner has other options within the allocated site which has already been enlarged. Any further enlargement would create ribbon development and increase proximity issues with the quarry.

H2 & AH: A higher proportion of private housing may be appropriate on the initial site to open-up land to the south. This decision on the access alignment will depend upon the layout proposed at planning application stage but a prescriptive set-back from any particular property would not be appropriate.

B1: It is important that the Plan safeguards sufficient business land and therefore potential employment in balance to housing allocations. The site is most appropriate for a small storage building given site size, shape and access constraints.

MU: The site is on the market and a mixed use development would be appropriate to its village centre location. A mixed use consent now exists for part of the site for 11 flats and ground floor community space.

LT: The suggested extension may be suitable within the next Plan period but the present housing and mixed use allocations should be sufficient to meet local need and demand to 2014/5. The land also suffers from its good agricultural quality and its proximity to heritage interests, a playing field and a flood risk area.

I: A further safeguard is appropriate as a result of appropriate assessment. There is a pending application on site I to review the old mineral permission at Altanavaig quarry.

Any Further Plan Changes Commended by THC

H1: None.

H2/AH: None.

B1: None.

MU: AMEND to reflect planning application decision. This was made on 3 March 2009, to grant consent for 11 flats and a community space on the ground floor.

LT: None

I: ADD sentence to developer requirements box "proposals will only be supported if developers can demonstrate no adverse effect on the integrity of the adjoining Natura site".

Reporter's Conclusions

H1: Planning permission exists for the erection of 11 houses on the southern part of allocation H1, within the area identified for housing in the existing adopted local plan. Seven houses have been completed. The proposed extension northwards incorporates the site for which a planning application has been submitted (but not yet determined) for the erection of 9 houses together with an area extending east-west from Old Kyle Farm Road to the rear of existing development on the A87(T). A request has been made to extend the allocation along the trunk road further westwards beyond the 'Taste of India' restaurant to include the site of a previously lapsed planning permission and also allow commercial development along this stretch of the trunk road.

The area to the north of the site presently being developed is rocky ground comprising mixed scrubland and woodland and, as indicated by respondents, is very boggy in places. Concerns have been expressed in relation to water run-off from the hillside to the west into existing property along Old Kyle Farm Road and the potential for these problems to be exacerbated by further development to the north of the housing development site. A forest walk and cycle track originating from Old Kyle Farm Road, where there is a very informative display panel, transects the northernmost east-west portion of allocation H1 and then ascends Cnoc a' Mhadaidh ruaidh to the west. An overhead power line also traverses east-west across this area. Taking all the above matters into account, I consider that there is merit in extending the housing allocation northwards to include the site of application ref. no. 08/00136/OUTSL, subject to a net betterment requirement for on and off site surface water drainage. In relation to concerns raised by SEPA in respect of waste water, the Council has agreed that a developer requirement for a connection to the public sewer should apply to this site (see Issue 101).

I consider that the continuation of housing development north of the site of planning application 08/00136/OUTSL into the east-west portion of land transacted by the footpath/cycleway would be an unacceptable intrusion into an important landscape and open space feature. However, development (housing, commercial or otherwise) along the stretch of the A87(T) trunk road within the SDA would be a matter for detailed consideration against the relevant policies in this local plan. Any development further westwards would

amount to ribbon development along a trunk road, which would not be in accordance with National planning policy.

H2/AH/LT: All of this land would appear to be eminently suitable for a mix of private and affordable housing. It is centrally located, close to the village centre, community facilities and the primary school, and serviceable. Access to the site from Olaf Road/Achmore Road is achievable and there is a possibility of dual access in the long-term. The area is not visually prominent in the landscape, set below higher ground to the south and west, and is defined by An t-ob. The Council considers that it would be premature to allocate site LT for housing in this local plan since other allocations should be sufficient to meet housing need and demand to 2014/15. Notwithstanding the potential for further housing at site H1 (an additional 13 houses) and the MU proposal for the former YHA hostel site (10 flats), I do not consider the allocation of site LT for housing in this local plan to be excessive. In this respect, I note that sites with a capacity for 56 houses were allocated in the pre-deposit draft local plan 2008 whereas the capacity of sites H1, H2, AH & MU in this local plan is 49 houses (reduced to 44 houses taking account of the above recommendation in respect of site H1). I therefore consider that it would be appropriate to allocate the whole of H2/AH/LT for housing in this local plan to provide certainty and allow a comprehensive layout for the area to be prepared, incorporating both affordable and private housing. As regards the precise southern boundary of site LT, this is a matter for detailed consideration at the planning application stage, taking account of the natural heritage interest of An t-ob and the identified flood risk. In relation to concerns raised by SEPA in respect of waste water, the Council has agreed that a developer requirement for a connection to the public sewer should apply to this site (see Issue 101).

B1: The site is relatively small in size and is bounded by housing to the north, garden ground to the east and the primary school to the south. Part of the site appears to have been used as allotments in the past. A footpath runs along the southern boundary of the site connecting Olaf Road with the community centre. Whilst I recognise the Council's desire to bolster Kyleakin's role as a tourist destination and encourage employment opportunities, I am not convinced that this small site, within an area where residential and community uses predominate, is appropriate for business development. There is no specific proposal for a business use of the site. However, removal of allocation B1 would not preclude a business development such as a small storage building, should there be a demand for such a use. Retention of the site within the SDA would allow any such business proposal in the future, as well as any housing proposal, to be assessed against the requirements of policy 1.

MU: A mixed use consent exists for the former YHA hostel, which includes 11 flats and ground floor community space. However, there is no guarantee that this planning permission will be implemented and I consider that the developer requirements for this site should continue to allow the possibility of a business use in the event that the present proposal does not come to fruition.

I: The owner of the quarry considers that the plan's objective "To safeguard remaining sand and gravel resources at Altnavaig" is unnecessarily restrictive. The local plan allocates the site for industrial use with the proviso that any such use must be compatible with the re-opening of quarry operations. Restoration of the quarry is also a requirement. I consider that these requirements are necessary to ensure that valuable mineral resources are not sterilised by development and that appropriate restoration of the site is undertaken as a pre-requisite of any subsequent development for industry. In relation to the concerns of SNH, the appropriate assessment of the local plan concludes that this proposal would not be likely to have any significant adverse impact on the adjoining Natura site. SNH supports the commended change suggested by the Council subject to a revised wording for policy 4 (see Issue 101).

Reporter's Recommendations

H1: Reduce allocation H1 to the area occupied by the site being developed and the site of planning application ref. no. 08/00136/OUTSL. The indicative capacity to be reduced to 20 houses and the developer requirements to be amended accordingly. Add developer requirement "Connection to the public sewer".

H2/AH/LT: Allocate the whole of H2/AH/LT for housing (H2) with a developer requirement for a proportion of affordable housing in accordance with policy 5. Add developer requirement "Connection to the public sewer".

B1: Delete allocation.

MU: No modification.

I: No modification to allocation. Add a further developer requirement that "Proposals will only be supported if it can be demonstrated that there would be no adverse effect on the integrity of the adjoining Natura site".

Issue (ref and heading):	71. EDINBANE	Reporter: Douglas G Hope
Development plan reference:	Edinbane – Coishletter – H2, H3 & LT Text MB116 – Map SL52 MB 117	
Body or person(s) submitting a representation raising the issue (reference no.):		
H2/H3/LT: I. Brown (9), Scottish Environment Protection Agency (SEPA) (446), R. Morriss (588), J. Howarth (589), White Young Green on behalf of Ewen Gillies Builders (630)		
Provision of the Development Plan to which the issue relates:	H2, H3, LT Allocations.	
Council's summary of the representation(s):		
<p>Objections to development are made on the grounds of: the land's poor microclimate (lack of shelter, north easterly aspect), particularly of the upper slopes which will lead to poor energy efficiency; increased commuting because of few local jobs; excessive scale and density which is contrary to the established settlement pattern; loss of riverside amenity space; loss of views; previous Plan's safeguarding of the upper slopes; inadequate local road capacity; loss of rural character; possible adverse impact on surface water drainage and water supply; lack of housing demand, and; the need for adequate foul drainage.</p> <p>The Landowner's agent supports the allocations and will consider appropriate and proportionate planning gain that is directly related to development but disputes the feasibility of the affordable housing element feasibility and believes an interim private sewerage arrangement is acceptable.</p>		
Modifications sought by those submitting representations:		
Objectors seek a lower density of housing development on lower ground and no development on upper slopes. Scottish Environment Protection Agency (SEPA) seek a stronger public foul drainage developer requirement. The landowner seeks a lower level of planning gain.		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u>: RETAIN ALLOCATIONS / DESIGNATION.</p> <p><u>Reasons</u>: The lower slopes are zoned in the Adopted Skye & Lochalsh Local Plan and are subject to a current planning application which may be consented before or during the Examination process. Existing requirements including a good neighbour set-back to reduce the issue of overlooking / privacy, will provide an adequate policy context. The croft land is not actively worked and the sites lie close to the core of the settlement. The long term allocation is not scheduled for development within the Plan period and is shown merely to allow non-prejudicial layout and servicing choices to be made for the allocated land. The low demand for aggregated housing developments in this part of Skye and the current financial climate are both likely to limit the scale, pace and density of development.</p>		
Any Further Plan Changes Commended by THC		
The Highland Council's position is that the Plan content should be updated to reflect the outcome of the related planning application decision including the decision on the type of foul drainage provision.		

Reporter's Conclusions

H2, H3 & LT: Sites H2 & H3 are identified for housing within the existing adopted local plan. I note that planning permission has been granted for the erection of 21 residential units on site H3 subject to a number of conditions and to the completion of a Section 75 Agreement in respect of the provision of 5 affordable units. The Section 75 Agreement is at an advanced stage. Site H2 lies to the rear and above existing housing on the Edinbane loop road and, with appropriate safeguards relating to the protection of the amenity and privacy of these existing properties and in relation to landscaping and shelter planting, this site would form an acceptable extension of site H3.

As regards the area identified for long term development, in contrast to sites H2 & H3, this area extends a considerable distance up the hillside of Coishletter and any development would be extremely prominent in views southwards from the A850. Whilst very limited housing replicating the crofting pattern of development might be acceptable within this area, I consider that a further build-up of development of a similar scale and density to that proposed for sites H2 & H3 would not be compatible with the existing pattern of development and the landscape character of the area.

In relation to SEPA's concerns regarding the treatment of waste water from sites H2 and H3, (see also issue 101), the Council has attached a condition to the planning permission for the development of site H3 requiring the installation of a temporary sewage treatment works capable of connection with any future public sewer connection. The Council has also agreed that an amendment be made to the developer requirements for both sites that will satisfy SEPA's concerns.

Reporter's Recommendations

H2, H3 & LT: No modification to allocations H2 & H3. Add to both allocations the developer requirement "public sewer connection or interim private arrangement that will be compatible with and make a future public connection or scheme more feasible". Delete allocation LT but retain within SDA.

Issue (ref and heading):	72. AIRD BERNISDALE	Reporter: Douglas G Hope
Development plan reference:	Aird Bernisdale SDA Text MB 122 – Map SL59 MB 122	
Body or person(s) submitting a representation raising the issue (reference no.):		
A. Macpherson (909)		
Provision of the Development Plan to which the issue relates:	SDA	
Council's summary of the representation(s):		
Crofter request for SDA extension because of: family need for housing; the suggested area represents the poorer agricultural land on the croft, and; power and water supply are available closeby.		
Modifications sought by those submitting representations:		
Extension of SDA boundary.		
Summary of response (including reasons) by planning authority		
<u>Response(s)</u> : NO CHANGE.		
<u>Reasons</u> : The land is prominent in public views across the loch and therefore conflicts with the Council's Highland wide approach of trying to protect public views across open water. Suitably sited and designed proposals outwith the SDA may still be acceptable dependent upon the precise nature of the land between the road and the water but this area's general landscape sensitivity does not justify a more positive presumption.		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
<u>SDA</u> : The plans submitted with the representation show two areas of ground indicated in blue, one of which forms an extension to the Aird Bernisdale SDA, the other forming an extension to the Bernisdale SDA. Both areas of ground are elevated and prominent in public views across the loch. Inclusion within the respective SDAs would suggest that these sites were a preferred area for development when such development would conflict with the Council's Highland wide approach of trying to protect public views across open water.		
Reporter's Recommendations		
<u>SDA</u> : No modification.		

Issue (ref and heading):	73. ANNISHADDER	Reporter: Douglas G Hope
Development plan reference:	Annishadder SDA Text MB 126 – Map SL63 MB 126	
Body or person(s) submitting a representation raising the issue (reference no.):		
Borve and Annishadder Township (512)		
Provision of the Development Plan to which the issue relates:	SDA	
Council's summary of the representation(s):		
Township request extension of SDA because: it would represent natural extension of Annishadder township; they have the support of the local grazings committee, and; it will allow development without compromising better croftland.		
Modifications sought by those submitting representations:		
Extension of SDA boundary.		
Summary of response (including reasons) by planning authority		
<u>Response(s)</u> : NO CHANGE.		
<u>Reasons</u> : A development boundary was added to the previous Plan draft to reflect that it was possible to utilise poorer croftland and support a recognised settlement. However, the size of the extension proposed is excessive in terms of: its potential adverse landscape impact in an area of commuter housing pressure; not being related to the existing settlement pattern; creating pressure for new or intensified trunk road junctions, and; the existing boundary already allows for further development on poorer croft land.		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
<u>SDA</u> : The representation requests that an extensive area of ground to the south of this crofting community and adjacent to the A87(T) be included within the SDA. Any development within this area would be prominent in views from the trunk road and would have the potential for significant adverse impact on the landscape of the area. It could lead to pressure for new accesses to the trunk road, as suggested by the Council. I do not consider that housing in this area could be satisfactorily integrated with the existing community and that inclusion within the SDA would be appropriate.		
Reporter's Recommendations		
<u>SDA</u> : No modification.		

Issue (ref and heading):	74. INVERARISH	Reporter: Douglas G Hope
Development plan reference:	Inverarish – Foul Drainage, SDA, H4 (Henderson Bridge) Text MB 138 – Map SL78 MB 139	
Body or person(s) submitting a representation raising the issue (reference no.):		
<ul style="list-style-type: none"> • <u>Foul Drainage</u>: Scottish Environment Protection Agency (SEPA) (446) • <u>SDA</u>: A. & A. Gillies (293) • <u>(H)</u>: M. Ferguson (401) 		
Provision of the Development Plan to which the issue relates:	General, SDA, H4 allocation	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> • <u>Foul Drainage</u>: Scottish Environment Protection Agency (SEPA) concerned about pollution risk to the water environment in particular the need ideally for public sewerage for all allocations. • <u>SDA</u>: Gillies' seek holiday accommodation development potential on land in their ownership because; the land is suitable ground for septic tank soakaways; the adopted road should not have to be improved by a developer but instead by the Council, particularly where the road already serves forestry operations and the cemetery; they dispute that the boundary of the designed landscape encloses the site, and; the lower fields more prominent in landscape terms than the land they are suggesting. • <u>H4</u>: Neighbour concerned about: the septic tank soakaway foul water impact on downhill properties including her own; existing surface water drainage problems being made worse by up-slope development; the risk to foundations from increased pluvial flooding, and; the need for a comprehensive sewerage solution. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • <u>Foul Drainage</u>: Scottish Environment Protection Agency (SEPA) seek a stronger foul drainage developer requirement for sites H4 and H5 - specifically a requirement for a "public sewer connection or interim private arrangement that will be compatible with and make a future public connection/scheme more likely." • <u>SDA</u>: Gillies' seek positive allocation of land for development at the top of Borrodale Parks and removal of any developer requirements to improve road access and to respect the Raasay House designed landscape. • <u>H4</u>: deletion of H4 site or a requirement for adequate public sewerage (implied). 		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u></p> <ul style="list-style-type: none"> • <u>Foul Drainage</u>: ADD stronger foul drainage requirement for site's H4 and H5 as detailed in commended changes below • <u>SDA</u>: NO CHANGE. • <u>H4</u>: RETAIN ALLOCATION but see foul drainage above. <p><u>Reasons</u></p> <ul style="list-style-type: none"> • <u>Foul Drainage</u>: A stronger foul drainage safeguard is appropriate given the densities of existing and proposed developments and the need to lobby and encourage Scottish Water to provide for a longer term village-wide public sewerage solution. 		

- SDA: The land to the north east of the hotel requires significant road improvements to open up its development potential. It is accepted that the land is framed by commercial forestry and is less prejudicial to agricultural operations. However, the road has carriageway width, alignment, visibility and limited number of passing places constraints. Further development will worsen this existing deficiency and therefore the developer should contribute in proportion to that net detriment. The designed landscape boundary reference is factual and is a development factor.
- H4: Part of the site benefits from a planning application that was backed in principle by a minded to grant Committee decision. This sheep stock club proposal is intended to deliver a 10 serviced plot development for local need. The constraints raised by the objector are addressed by the developer requirements or will be matters to be addressed in connection with the planning application(s).

Any Further Plan Changes Commended by THC

- Foul Drainage: AMEND foul drainage DEVELOPER REQUIREMENTS for H4 and H5 allocations to “public sewer connection or interim private arrangement that will be compatible with and make a future public connection/scheme more likely.”
- SDA: None
- H4: None except foul drainage change above.

Reporter’s Conclusions

SDA: In the deposit draft local plan 2007, the SDA boundary north-east of the Borrodale Hotel cut across the middle of the area referred to as the Borrodale Fields. In response to representations received, this boundary has been amended in the deposit draft local plan 2008 to include the whole of the Borrowdale Fields within the SDA. Inclusion of the Borrodale Fields within the SDA indicates that development proposals will be supported if they meet the requirements of policy 1 of the local plan (and structure plan policy G2). I endorse this amendment to the SDA boundary to include the whole of the Borrodale fields. Whether or not any specific proposals for the erection of chalets within this area would be acceptable is a matter for detailed consideration on receipt of a planning application.

H4 & H5: In relation to the concerns about waste water raised by SEPA (see also Issue 101), the Council commends an amendment to the developer requirements for both sites that will satisfy these concerns. I agree with the proposed amendments. As regards the concerns raised by a neighbouring proprietor, the amended developer requirement sought by SEPA should ensure that adequate arrangements are made for the treatment of sewage from the site. As regards surface water run-off from site H4 and the possibility that development will exacerbate the present problems, I consider that a net betterment requirement for on and off site surface water drainage, similar to that used in similar situations elsewhere in the local plan area would be a prudent requirement. The protection of existing trees on the site is already a developer requirement for site H4.

Reporter’s Recommendations

SDA: No modification.

H4 & H5: No modification to allocations H4 & H5. Add to both allocations the developer requirements “public sewer connection or interim private arrangement that will be compatible with and make a future public connection or scheme more feasible” and “net betterment of on and off site surface water drainage”.

Issue (ref and heading):	75. UIG	Reporter: Douglas G Hope
Development plan reference:	Uig - General Comments & Business & Industry (I) (North of Industrial Estate) Text MB 142 – Map SL84 MB 143	
Body or person(s) submitting a representation raising the issue (reference no.):		
Uig Community Council (908)		
Provision of the Development Plan to which the issue relates:	General Comments & Industrial Allocation	
Council's summary of the representation(s):		
Community Council believe the Plan should promote: better car parking at the pier head; more efficient use of the CalMac building, and; better enforcement of Touchwood recycling activities.		
Modifications sought by those submitting representations:		
Additional settlement objectives to encourage the provision of better car parking at the pier area and to promote more efficient use of existing buildings at the pier area (implied). A requirement for site I for uses compatible with adjoining residential uses (implied).		
Summary of response (including reasons) by planning authority		
<u>Response(s)</u> : NO CHANGE.		
<u>Reasons</u> : The matters raised by the Community Council are not directly relevant to the Plan's provisions and it is unlikely that any potential Plan changes would be effective in addressing the concerns raised.		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
This representation does not specifically relate to allocation I but makes general comments about conditions at the ferry terminal and the adjacent industrial site. Based on the comments received, there would seem to be potential for the rationalisation of car parking, environmental improvements and scope for tourism/business development.		
Reporter's Recommendations		
The terminal area, including the industrial area (allocation I), should be allocated as a mixed use area (MU) for tourism, commercial, business and industrial development, including a developer requirement for enhanced parking provision.		

Issue (ref and heading):	76. AN CLACHAN (STAFFIN)	Reporter: Douglas G Hope
Development plan reference:	An Clachan – AH, H1, H2 & B Text MB146 – Map SL87 147	
Body or person(s) submitting a representation raising the issue (reference no.):		
Scottish Natural Heritage (SNH) (697)		
Provision of the Development Plan to which the issue relates:	Allocations AH, H1, H2 & B.	
Council's summary of the representation(s):		
<p>Scottish Natural Heritage (SNH) object to all allocations on the grounds of: the cumulative landscape impact on crofting landscape that is integral to Trotternish NSA; the consequential adverse impact on general landscape character; other central and better alternatives exist than the allocated sites; the adverse impact on the key view from the A855 to Trotternish Ridge; the sites H2 and B are too peripheral, the sites project into adjacent moorland landscape character type, poorly contained within landform and this isolation is emphasised by the playing field as an open ground land use.</p>		
Modifications sought by those submitting representations:		
Deletion of allocations.		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u>: RETAIN ALLOCATIONS but see commended design requirement changes below for sites AH1 and H2.</p> <p><u>Reasons</u> – The NSA designation is recognised as a siting and design constraint but not as a justification for an embargo on concentrating development within walking distance of Staffin's community and commercial facilities. This concentration would fit with national sustainability objectives and would make comprehensive servicing more feasible. Other less prominent land is included within the SDA but there are significant doubts about the availability of the suggested alternatives given crofting interests and/or ground conditions. Exceptional design quality is a stated requirement for the allocated sites and they may not deliver their stated capacity given the attitude of the relevant landowners who are likely to pursue a more dispersed pattern of development. Further assurances as to scale and capacity are appropriate on the more prominent allocations H1 and AH1. Allocations H2 and B are: more distant from the A855 tourist route; lower lying; part developed; the most central and available common grazings land available, and; represent poorer croft land.</p>		
Any Further Plan Changes Commended by THC		
<p><u>H1 & AH1</u> - AMEND developer requirements “building form and layout to comprise two 1.5 storey semi-detached housing blocks fronting the side road”. Rename AH1 as AH.</p> <p><u>H2 & B</u> – None.</p>		

Reporter's Conclusions

H1 & AH1: I share SNH's concerns that the scale and density of houses proposed (two blocks of semi-detached houses on each site, eight houses in total) would not be compatible with the sporadic nature of housing in this part of the township. These sites are prominent in views northwards from the A855 towards the Trotternish ridge and I endorse SNH's view that such a density of housing would be detrimental to the crofting landscape of An Clachan township, which is an important element of the character of the National Scenic Area. I agree with SNH's suggestion that a more appropriate location for such housing would be closer to the nucleus of the settlement. SNH indicates that there may be scope for agreement over the housing on site AH, and suggests that this might comprise two low semi-detached buildings located on the roadside. Deletion of site H1 and retention of the site within the SDA would allow scope for some housing in accordance with policy 1 of the local plan.

H2 & B: These sites are peripheral to the township and project into the open moorland landscape alongside the Maligar road. They are located beyond the primary school playing field and are divorced from the rest of the township. A single dwellinghouse has been constructed on the northern part of site H2 and it does not look out of place but a concentrated development of a further seven houses and business units would detract from the crofting pattern of the landscape and would adversely affect the character of the Trotternish National Scenic Area.

Reporter's Recommendations

H1 & AH1: Rename AH1 as AH. Add to developer requirements "building form and layout to comprise two 1.5 storey semi-detached buildings fronting the side road". Delete allocation H1.

H2 & B: Delete both allocations. Include northern part of H2 (north of the fence line), which is occupied by a house, within the SDA.

Issue (ref and heading):	77. GLEN HINNISDAL	Reporter: Douglas G Hope
Development plan reference:	Glen Hinnisdal SDA Text MB 148 – Map SL88 MB 148	
Body or person(s) submitting a representation raising the issue (reference no.):		
P. T. & B. T. Kinloch (469), G. Fish (743)		
Provision of the Development Plan to which the issue relates:	SDA	
Council's summary of the representation(s):		
Residents object to density of development in upper glen because of the: upper glen having a different landscape character to the lower glen in that it has a distinct and open nature; loss of a special and unspoiled location; irreversible loss of rural character; existence of sufficient and available plots in the lower glen; recognition by a Council development management officer in a Committee document that the upper glen has a more dispersed settlement pattern ; potential loss of woodland which provides habitat for deer and birds; potential adverse impact on river salmon habitat; adverse impact on the Trotternish SSSI; loss of good croft land; loss of fields which are a habitat for rare orchids; lack of mains water and sewerage, and; pace and extent of recent development that is not shown on inset base map.		
Modifications sought by those submitting representations:		
Removal of upper glen from SDA. Reintroduction of spacing criterion from Adopted Skye and Lochalsh Local Plan.		
Summary of response (including reasons) by planning authority		
<u>Response(s)</u> : NO CHANGE.		
<u>Reasons</u> : It was recognised that further development of the upper glen will have access implications and therefore an additional developer objective was added. Croft land quality, privacy, overlooking and landscape impact are still important criteria for the particular siting of house plots within the SDA and the Plan's general policies reflect these concerns. The Council has rejected the re-application of prescriptive policies to control the number of houses per croft and spacing of houses because the previous policy was seen as arbitrary and difficult to enforce. The SDA encloses more undeveloped land in the lower Glen which recognises this relative potential. Upper Glen constraints are addressed in the Plan objectives and enclosure of land within the SDA does not carry an automatic presumption in favour of development. The related general policy (number 1) only supports development in keeping with the existing settlement pattern.		
Any Further Plan Changes Commended by THC		
None.		

Reporter's Conclusions

SDA: The disputed area forms part of the upper glen within the crofting township of Glen Hinnisdal. The representations received in respect of this area reiterate the points made in relation to a proposal for the erection of a house on 1 Glenuachdarach at a higher level than the existing houses, which are generally located alongside the public road. Planning permission was granted for this house in January 2009. There is no doubt that the character of the upper glen, which has a lower density and dispersed form of housing development, is distinguishable from the middle part of the glen where there is a much higher density of development at two levels on the hillside. However, this does not provide sufficient justification for not including croft land, which is an integral part of the township, within the SDA. Whether or not further development within this area is appropriate, the layout, siting and design of any proposed development are matters for detailed consideration and assessment against the relevant policies of the local plan. In this respect, policy 1 clearly states that proposals for development within SDAs will only be supported if they meet the requirements of structure plan policy G2. Proposals will also be judged in terms of how compatible they are with the existing pattern of development and landscape character. I am satisfied that these policies provide a sufficient framework for the adequate control of development within the SDA as identified in the local plan.

Reporter's Recommendations

SDA: No modification.

Issue (ref and heading):	78. MALIGAR	Reporter: Douglas G Hope
Development plan reference:	Maligar SDA Text MB 158 – Map SL104 MB 158	
Body or person(s) submitting a representation raising the issue (reference no.):		
R. A. MacDonald (Grazings Clerk) (611)		
Provision of the Development Plan to which the issue relates:	SDA	
Council's summary of the representation(s):		
Grazings Clerk requests a wider SDA to allow development on poorer croft land, close to services and where there is evidence of previous settlement.		
Modifications sought by those submitting representations:		
Extensions to SDA.		
Summary of response (including reasons) by planning authority		
<u>Response(s)</u> : EXTEND SDA as detailed in commended change below.		
<u>Reasons</u> : The suggested extensions are minor, will allow development on poorer croft land and will not have an undue impact on any known heritage or other constraint.		
Any Further Plan Changes Commended by THC		
EXTEND SDA as requested on map supplied by objector.		
Reporter's Conclusions		
<u>SDA</u> : The suggested extensions to the SDA are minor, would allow development on poorer croft land that would be compatible with the existing pattern of development in this crofting township, and would have minimum impact on the landscape character of the area.		
Reporter's Recommendations		
<u>SDA</u> : Extend SDA as commended by Council.		

Issue (ref and heading):	79. OSE	Reporter: Douglas G Hope
Development plan reference:	Ose SDA Text MB 167 – Map SL116 MB 167	
Body or person(s) submitting a representation raising the issue (reference no.):		
Ose Township Clerk - N. Montgomery (127)		
Provision of the Development Plan to which the issue relates:	SDA	
Council's summary of the representation(s):		
Township Clerk requests that the SDA should be extended because: it should follow the Ose township boundary; the land is of poor agricultural quality, and; the area suggested is on the on landward side of the public road and will therefore not affect any public seaward views.		
Modifications sought by those submitting representations:		
Extension of SDA.		
Summary of response (including reasons) by planning authority		
<u>Response(s)</u> : NO CHANGE.		
<u>Reasons</u> : The boundary has already been extended beyond the limits of existing development and further extension could potentially lead to coalescence with development on the southern edge of Shagarry. The SDA boundaries needn't necessarily follow township boundaries as they fulfil a different function. There is sufficient development potential within the Ose SDA.		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
<u>SDA</u> : The boundary of the Ose SDA has been extended northwards along the A863 beyond the limit of existing development. Any further extension of the SDA towards Shagarry would, as indicated by the Council, create the potential for coalescence between Ose and Shagarry, which would be detrimental to the landscape character of the area.		
Reporter's Recommendations		
<u>SDA</u> : No modification.		

Issue (ref and heading):	80. HARLOSH	Reporter: Douglas G Hope
Development plan reference:	Harlosh SDA Text MB 171 – Map SL120 MB 171	
Body or person(s) submitting a representation raising the issue (reference no.):		
R. & G. McCracken (155), K. & A. Smith (194)		
Provision of the Development Plan to which the issue relates:	SDA	
Council's summary of the representation(s):		
Neighbours object to inclusion of triangle of land within SDA on grounds of: adverse landscape impact; any development on the land would be contrary to the existing settlement pattern and breach physical boundaries such as the access track; loss of views that are essential to tourism businesses; the existence of sufficient alternative development land already available within the same croft boundary; the precedent for further inappropriately sited development; inadequate infrastructure networks (i.e. the unadopted nature of the track and substandard wider network, water, telephone, foul drainage, surface water and electricity); adverse impact on natural heritage in particular protected bird species; the proposal is not sustainable; potentially adverse impact on un-surveyed archaeological resource, and; potentially adverse impact on air quality.		
Modifications sought by those submitting representations:		
Exclusion of triangle of land at Ardmore from the SDA.		
Summary of response (including reasons) by planning authority		
<u>Response(s)</u> : NO CHANGE.		
<u>Reasons</u> : The enclosed plot, if developed in the correct manner, would not have an undue impact on any public view or known heritage interest. The loss of a private view is not a material planning consideration. The impact on the adjacent tourism business is also unlikely to be significant. Any future development would also be subject to adequate servicing. This corner plot will not set an inappropriate precedent and will not result in significant adverse environmental impacts.		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
<u>SDA</u> : The triangle of land referred to is situated on the seaward side of the track leading to no.1 Ardmore and its boundaries are not defined on the ground. It forms a small part of a much larger enclosure of grazed common land stretching towards the ruined Chapel on Harlosh Point. Any house on this plot of ground, no matter how it is sited, would have a considerable landscape impact on this exposed promontory. There are no other residential properties on the seaward side of the track and no rationale behind the inclusion of this undefined triangular piece of ground within the SDA, the more obvious boundary being the track leading to no.1 Ardmore.		
Reporter's Recommendations		
<u>SDA</u> : Delete the triangular area of land on the seaward (south-west) side of the track leading to no.1 Ardmore from the SDA.		

Issue (ref and heading):	81. ROAG	Reporter: Douglas G Hope
Development plan reference:	Roag SDA Text MB 173 – Map SL122 MB 173	
Body or person(s) submitting a representation raising the issue (reference no.):		
P. Gorton (865)		
Provision of the Development Plan to which the issue relates:	SDA	
Council's summary of the representation(s):		
<p>Objections on grounds of: the land enclosed within the SDA is different and therefore a departure from the Adopted Skye and Lochalsh Local Plan; any development there would be contrary to the established settlement pattern; irreversible loss of good croft land; the land is prominent and any development would be obtrusive, and; adverse impact on important public seaward views, which is contrary to the Plan's other policies and objectives.</p>		
Modifications sought by those submitting representations:		
Reduction in SDA to accord with Adopted Skye and Lochalsh Local Plan boundary.		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u>: NO CHANGE.</p> <p><u>Reasons</u>: The land has limited significance in public seaward views and there is a precedent for development in this area. Any adverse landscape impact can be addressed by careful siting and design at the planning application stage.</p>		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
<p><u>SDA</u>: I do not concur with the Council's view that the strip of land on the east side of the township road at Roag is of limited significance in terms of public seaward views towards Pool Roag. This strip of ground is open to view over a wide area and any housing would be obtrusive and have a detrimental impact on the landscape character of the area. It is different in nature from the land further south (beyond croft 17 and the thatched black house) where housing exists on both sides of the township road. I am not aware of any precedent for development in this area, the only building being a derelict byre located at the northern extremity of the strip of land.</p>		
Reporter's Recommendations		
<p><u>SDA</u>: Remove from the SDA the strip of ground north of croft 17 on the east side of the township road.</p>		

Issue (ref and heading):	82. FORT WILLIAM GENERAL	Reporter: David Russell
Development plan reference:	Fort William - Allocations – C1 Kilmallie Hall, B5 North Road, B6 Glen Nevis Business Park, Fassfern New Community, Caol Link Road, B2 Smelter Tailrace, Schools Provision, Housing Land Supply, Fort William SDA, Corpach Woodland Areas, General Comment Text WS 53-65 – Map LFM LO46	
Body or person(s) submitting a representation raising the issue (reference no.):		
Kilmallie Community Company (Corpach Woodland Areas) 248, R. Thomas (Settlement Development Area (SDA) - Lochyside) 291, Scottish Environment Protection Agency (SEPA) B2 446, Highland & Islands Enterprise (HIE) (Employment Land) 495, C. Turner SDA - Lochyside) 577, Bidwells on behalf of Rio Tinto Alcan SDA - Dalvenie Smelter) 732, J. Clark (Schools Provision) 417, Brodies on behalf of Inverlochy Castle Ltd. (SDA - Carrs Corner, General Comment) 748, D. Donnelly (Caol Link Road) 864, Fort William & District Chamber of Commerce (Employment Land, B6) 937, West Highland Woodlands (Fassfern New Community - Pro Development) 946, Morbaine Ltd (B5) 2, R. Hawkes (B5) 94, Kilmallie Hall Committee C1 560, W. Veitch (C1) 600, K. Rice (Fassfern New Community - Anti Development) 272, A. M. Barrie SDA - Lochyside) 483		
Provision of the Development Plan to which the issue relates:	Smaller Allocations, Sites and General Comments	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> • <u>MU2/C1</u>: Hall Committee desire to safeguard and extend community use of the hall site and adjacent land. • <u>B5</u>: Developer asserts that the site is suitable for any form (comparison or convenience) of large retail unit because the town centre can't accommodate this type of development and there have been delays with the Waterfront (MU10) site. • <u>B6</u>: Chamber of Commerce believe this site is not suitable for industrial uses such as fish processing because it lies at the entrance to Glen Nevis. • <u>Employment Land</u>: Highland & Islands Enterprise (HIE) believe the Plan's supply of employment land is deficient in terms of quality and quantity which will lead to unmet demand and therefore adverse impact on the economic and housing growth potential of the area. There is little spare capacity in allocated business sites – B1 has a single operator, B2 is allocated for a specific tourism use, B3 is also for tourism, B4 is more likely to be developed for tourism, B5 is for retail - so there is only 11.4 ha of land genuinely available for business use which is insufficient for a sub-regional centre such as Fort William. Government guidance requires a 5 year supply of marketable employment land. The Council gives no justification for changes made from the previous local plans. Highland & Islands Enterprise (HIE) has a proven track record of acquiring and servicing sites and should be assisted in this process. Provide evidence of recent and existing unmet demand. There is a specific need for land to be safeguarded, in an attractive location, for office uses. • <u>Fassfern New Community</u>: Owner disputes Council's previous statement about a lack of owner interest in progressing feasibility work on the site. The land is available and there is no detailed proposal because the previous Plan draft advised that Fassfern should not be pursued in short term. Owner believes there is an unmet housing need and demand in the area and there are many constraints affecting the zoned Fort William urban area sites. Land assembly will be simple, there is an existing planning consent for 12 houses which establishes the principle of development at this location and the owner is willing to include affordable provision. The owner would consider a 		

tourism complex rather than mainstream housing as a first phase. The objector is concerned because of: the lack of detail; adverse impact on a historical site, adverse impact on landscape and recreation; foul water pollution to the sensitive Loch Eil which has low dispersal of foul water discharges at this point.

- Caol Link Road: Crofter believes the link road safeguard will cause unreasonable blight in preventing croft diversification to provide holiday letting accommodation. Any road would also cause severance and reduction in usability of the croft.
- B2: Scottish Environment Protection Agency (SEPA) concern over flood risk.
- Schools Provision: Resident objections to a lack of a decision and/or misleading references on schools provision within Fort William. This decision is crucial in shaping where the housing allocations should best be located, safer routes to school and minimisation of school transport costs.
- Housing Land Supply: Resident objections to too much housing land being identified because: the demand/need is not proven; there is inadequate matching employment; of inadequate transport networks; there is no diverse retailing base, and; there are insufficient visitor attractions.
- Fort William SDA
- (Dalvenie Smelter) Owner suggests new allocation because: the site will not lead to coalescence with Torlundy; there will be no adverse impact on the setting of Inverloch Castle Hotel; land assembly will be simple; there are no crofting tenure restrictions affecting the land, and; development of the site would provide an opportunity to improve the northern gateway entrance to Fort William.
- (Lochyside) Crofter concerned about the Plan's contradiction between not allowing housing on crofts at Lochyside but zoning much larger areas on the Blar Mhor common grazings for intensive development. The future of crofts depends upon access to grazings. Housing development should be allowed on the open space designation at Lochyside because this croftland is no longer suitable due to its proximity to busy roads.
- (Carrs Corner) Owner suggests an arts and crafts centre allocation north of Carrs Corner because: it was mentioned in a previous site options (Lochaber Futures) Plan draft ; this is an important and commercially advantageous gateway location; it would be complementary to Inverloch Castle role as a key tourism facility, and; the proposal would be compatible with national planning policy as a commercial leisure development.
- Corpach Woodland Areas: Local desire for Corpach's existing woodland areas to be safeguarded and managed as woodland greenspace. A local body intends to purchase one area.

Modifications sought by those submitting representations:

- MU2/C1: Eastward expansion of community uses allocation.
- B5: Change to unrestricted retail use.
- B6: Highland & Islands Enterprise (HIE) want Class 4 only business uses and no incompatible waste facility, Chamber of Commerce want this land for business uses only.
- Employment Land: Highland & Islands Enterprise (HIE) and Chamber of Commerce want more, specifically allocated and safeguarded employment sites including an attractive office park location.
- Fassfern New Community: Owner wants a return to the wording for Fassfern given in 2007 Deposit Draft. Objector requests deletion of new community proposal (implied).
- Caol Link Road: Deletion of link road safeguard from Plan text and mapping.
- B2: Scottish Environment Protection Agency (SEPA) seek strengthening of flood risk developer requirements.
- Schools Provision: Deletion of references to possible school closures and/or more

certainty and match up between housing allocations / expansion areas and new school provision structure.

- Housing Land Supply: Deletion or reduction in scale of housing allocations/expansion areas.
- Fort William SDA
- (Lochside) Implied removal of open space designation/safeguard.
- (Carrs Corner) New arts and crafts centre allocation on Inverloch Castle ground.
- (Dalvenie Smelter) New long term development allocation.
- Corpach Woodland Areas: Public open space designation on all remaining woodland areas in Corpach.

Summary of response (including reasons) by planning authority

Response(s)

- MU2/C1: RETAIN & EXTEND ALLOCATION. See commended change below for detail.
- B5: RETAIN ALLOCATION. See commended change below for detail.
- B6: NO CHANGE.
- Employment Land: ADD textual reference to safeguard employment land for all principal Fort William mixed use sites. See commended change below for detail.
- Fassfern New Community: NO CHANGE.
- Caol Link Road: NO CHANGE.
- B2: RETAIN ALLOCATION but add strengthened flood risk developer requirement as detailed in commended change below.
- Schools Provision: NO CHANGE.
- Housing Land Supply: NO CHANGE.
- Fort William SDA
- (Dalvenie): NO CHANGE.
- (Lochside): NO CHANGE.
- (Carrs Corner): NO CHANGE.
- Corpach Woodland Areas: ADD open space notation to larger areas of woodland.

Reasons

- MU2/C1: Uses ancillary to a refurbished hall would be appropriate across a wider site.
- B5: A recent inquiry appeal decision has prescribed a specific mix and type of uses for the site which should be carried forward into the Plan.
- B6: Well managed waste facilities are an entirely appropriate use for such an area. The Plan's suggested uses are compatible with existing and likely future employment uses. High profile office uses would best be accommodated on a site such as MU10 Waterfront which has the commercial advantages of town centre location, better outlook and better accessibility.
- Employment Land: In light of the evidence presented it is accepted that there is a potential deficiency in allocated employment land in Fort William. A change in the developer requirement wording will strengthen the safeguarding of potential land. However, to specifically delineate certain areas for business only, without the capital programme commitment from Highland & Islands Enterprise (HIE) to acquire and service these areas, would curtail the layout options of these mixed use expansion areas and may prejudice their development for other needed uses such as affordable housing.
- Fassfern New Community: The Fassfern proposal was downgraded in importance as a development option given: the lack of further feasibility work produced by the landowner (albeit the Council accepts that the previous Plan draft wording may have misled the landowner in this regard); its relative distance from Fort William compared

to Torlundy and existing urban expansion sites, and; the lack of supporting service, employment and community networks. Fassfern offers a poorer balance of planning pros and cons than other allocated alternatives and therefore does not merit endorsement in the short term. However, the Examination process will allow for an impartial testing of its relative merits. A hotel / timeshare development would have more planning policy merit but not as a pre-cursor to mainstream housing.

- Caol Link Road: Any positive funding decision necessitating a Council promoted scheme would require environmental assessment. Although the STPR does not include an A82/A830 link it remains a Council priority and is key to the activation of several allocated sites. This strategic significance justifies the continued safeguarding of a route. Compensation for any severance and loss of croft land would be considered during the detailed procedures prior to the road's construction.
 - B2: The use is largely water based and any buildings and essential access routes should fall outwith the 1 in 200 year risk area.
 - Schools Provision: This matter will be for future decision making by the Council's education Committee and possibly full Council. The importance of the issue and its influence on housing location is recognised but school provision has separate statutory consultation procedures. Any timely decisions will be made available to the Examination for information and will also inform future planning application assessment.
 - Housing Land Supply: It is recognised that the housing capacity of the presently allocated sites is in excess of that required for an effective housing land supply. The examination process will test the relative planning merits of these sites and may discard less favoured options.
- Fort William SDA
- (Dalvenie): The suggested Dalvenie smelter area is closer to Fort William than some of the allocated expansion areas such as Torlundy but is dependent upon significant A82 realignment works that are not programmed within the STPR or Council's roads budget.
 - (Lochyside): Although not strictly a "cherished" greenspace within the Fort William area, relaxation of a hitherto restrictive policy in this area would set a precedent for erosion of the wider crofts. This is also a poorly serviced area and its lower parts are subject to flood risk. The land may be suitable for comprehensive, longer term development but not for the piecemeal extensions proposed at present.
 - (Carrs Corner): The Plan supports the arts and crafts in principle and this is sufficient and appropriate given the lack of detail as to the proposal. The use may better be included within the new community itself or on allocated land at Carrs Corner.
 - Corpach Woodland Areas: The sites are increasingly valued and used areas of public open space.

Any Further Plan Changes Commended by THC

- C1: ENLARGE site on eastern boundary as requested.
- B5: RETAIN ALLOCATION. The appeal outcome is now known. Amend as per appeal outcome DPEA case P/PPA/270/517.
- B6: None.
- Employment Land: AMEND Fort William allocations MU1, MU2, MU3, MU4, MU5, MU8, MU9, MU10, MU17 to ensure each area safeguards a minimum 15% of site area for employment uses as part of an early phase of development.
- Fassfern New Community: None.
- Caol Link Road: None.
- B2: AMEND developer flood risk requirement to read, "Flood risk assessment will be required; built development to avoid flood risk area; water related uses only, within flood risk area."

- Schools Provision: None.
- Housing Land Supply: None.
- Fort William SDA
- (Dalvenie): None
- (Lochyside): None
- (Carrs Corner): None
- Corpach Woodland Areas: ADD open space notation to larger areas of woodland.

Reporter's Conclusions

MU2/C1: The alteration proposed by the Council to site C1 which is allocated for community uses would be appropriate, as it would more accurately reflect the land ownership of the Kilmallie Hall.

B5: In view of the amended planning permission granted on appeal, it would be appropriate to amend the developer requirements for this site to indicate that it is allocated principally for bulky goods retailing, or for business development. I do not agree with the suggestion made by Mr Hawkes that the site should also be allocated for a supermarket development, in view of the delays in implementing the Waterfront project. The restrictions on the forms of retail development are intended to protect the long term vitality and viability of Fort William town centre, in accordance with government policy.

B6 and Employment Land: At the hearings it was confirmed that Policy B1 of the structure plan requires this local plan to safeguard and support, as part of a portfolio of industrial and business sites, three strategic sites in Fort William, at: Annat Point, Blar Mhor, and Glen Nevis Business Park. In these circumstances I agree with Highlands and Islands Enterprise that land should be specifically allocated in this local plan for further business and industrial development at each of these locations. Modifications which I have recommended at Issues 84 and 88 will have that effect at Annat and Blar Mhor.

The current B6 allocation at Glen Nevis Business Park secures the same objective to a limited extent, but the Council confirmed at the hearing that it would now support extending that allocation to include the adjoining area currently allocated as MU6. I agree that this would be appropriate as the Council confirmed that the uses which it seeks to accommodate there are business uses, albeit that some are in the public sector, and the land is already allocated for business and industry in the adopted Lochaber Local Plan. The preparation of a masterplan would provide the means to secure a high quality of development at this sensitive location at the entrance to Glen Nevis, as sought by the Chamber of Commerce.

At the hearings the Council confirmed that if land was specifically allocated for business and industrial development at these three locations, it would not wish to pursue its commended change to the developer requirements for various mixed use allocations, which sought at least 15% of those areas to be safeguarded for employment uses as an early phase of development.

Caol Link Road: I accept the potential importance and significance of the proposed link road in improving traffic conditions and accessibility in Fort William and in releasing development potential. I recognise that there may be adverse effect for landowners and nearby residents, but for the above reasons I consider that the continued safeguarding of the proposed line from prejudicial development is justified.

B2: The need to modify the developer requirements to take account appropriately of the risk of flooding is addressed at Issue 101, where I have recommended that the modification

suggested by the Council should be made.

Schools Provision: The location of primary schools can be an important factor in deciding where new houses should be built. The fact that a review of school provision in Fort William is currently being undertaken therefore adds an element of uncertainty in identifying the preferred sites for new residential development, but I consider that the absence of confirmation of the future pattern of school provision is not sufficient in itself to justify any specific modifications to the plan. Several of the areas allocated for development in Fort William provide scope to accommodate the construction of replacement schools in conjunction with new housing development.

Housing Land Supply and Fassfern New Community: At the first hearing, it was confirmed that this local plan requires to conform generally with the provisions of the Highland Structure Plan. The structure plan requires land to be allocated so that 2,000 houses can be built throughout Lochaber between 1997 and 2017. The annual rate of house completions which was achieved in the period to 2009 was about 81, which is below the rate of 100 a year which is sought. Only about a third of the completions were in Fort William, which is less than the 50% that the Council hopes to secure.

I note that in the rest of Lochaber, this plan provides land for over 1,000 additional houses, so it is clear that it is not necessary to allocate additional land in Fort William to compensate for any shortage in the rest of Lochaber. However, I consider that it is appropriate to ensure that sufficient land is allocated for housing in Fort William to make certain that, over the whole 20 year period, at least 1,000 houses can be built. As some 260 have already been completed, I consider that the plan should ensure that sufficient and appropriate land is allocated to enable an additional 740 houses to be completed in Fort William within the plan period.

None of the potential sites in Fort William are free of constraints, and some of these are significant. Several of the sites are large, and development may not be fully completed by the end of the plan period. In these circumstances I conclude that the provision of a generous supply of land for housing development is justified.

However, land in Fort William for about 620 houses already has planning permission or is already allocated in the adopted local plan, while further sites for a total of over 1480 houses are proposed in this plan either in Fort William or at Torlundy. Recent planning applications at Caol/Lochyside have confirmed that the capacity of at least some of these sites may prove to be significantly greater than indicated in the plan. This suggests that the plan has allocated land sufficient to accommodate almost three times the number of houses required within the plan period.

Evidence given at the subsequent hearings confirmed that the owners and developers of several of the largest sites anticipate that a substantial proportion of the proposed houses will be completed by the end of the plan period, and there is no evidence that any of the proposed sites would prove non-effective. I therefore conclude that, as a whole, the supply of housing land which is proposed in the local plan is over-generous. While I do not propose to modify the plan for that reason alone, it is in the context of that finding that I have assessed the issues raised in unresolved representations concerning individual sites and have concluded (at Issues 83, 90 and 93) that it is not appropriate that three of the sites should be allocated for development and, therefore, that they should be deleted from the plan.

The effect of these modifications will be to reduce the overall capacity of the housing land supply in Fort William by nearly 450 houses, but I am satisfied that the remaining supply of allocated sites remains generous and capable of delivering the scale of house completions

necessary to conform with the structure plan, and to meet the Council's aspirations for development in Fort William.

Accordingly, in relation to the representation seeking the inclusion of a proposal for a new community at Fassfern, I conclude that there is no need to further augment the housing land supply to meeting the housing requirements of Fort William. While the site may be relatively free from physical constraints, and capable of providing an attractive residential environment, it would be detached from the built up area of Fort William. As noted in my conclusions in relation to the proposed new community at Torlundy (see Issue 90), Policy H2 of the structure plan does not support the development of new settlements in Highland, except within the Inner Moray Firth area.

Fort William settlement development area:

- **Dalvenie Smelter:** Development of the available land near the Dalvenie smelter which is owned by Rio Tinto Alcan would depend on the prior construction of a re-aligned A82 to obtain access. While that area may provide useful scope for future expansion of Fort William, the funding for that scheme is not programmed, and I therefore consider that it would be premature to allocate the land for development in this local plan.
- **Lochyside open space:** The croft land at Lochyside lying between the A830 and the railway line does not function as open space, and there are no specific proposals for its development as active open space for the community. It lies well within the built up area of the settlement. It does not appear to be in active agricultural use and two of the owners support its development. While its undeveloped character may be of some amenity value to some local residents, it does not appear to me that its designation as formal open space is justified, even as an interim measure pending possible future appraisal of its long term development potential. No detailed appraisal has been undertaken of its suitability for housing development or other uses, but its location within the settlement boundary would enable any proposal for its development to be assessed on its merits, and the benefits weighed against any adverse effects, including the impact on amenity or on any residual crofting activities. The effect of any restrictions on development which arise from crofting legislation would require to be addressed separately from the consideration of the planning merits.
- **Carr's Corner (B4):** The council confirms that the proposal for a Scottish arts and crafts centre would be supported in principle by this allocation for employment uses. This could be clarified by amending the wording to highlight that it is to be safeguarded for employment uses "which could include a hotel or other tourist related facilities." Allocation MU9 referred to a potential Scottish Arts and Crafts Centre in relation to the proposed new community at Torlundy, but the modification recommended at Issue 90 would delete that proposed development.

Corpach Woodland Areas: The concerns expressed relating to the safeguarding of areas of semi-natural woodland refer to site MU1 at Corpach, and these are addressed in Issue 84.

Reporter's Recommendations

MU2/C1: Modify the boundary of the site allocated as C1 for community uses to reflect the ownership boundary of the Kilmallie Hall.

B5: Modify the developer requirements by amending the first sentence to read: "Allocated

principally for bulky goods retailing, or for business development.” Consequently, the italicised note which follows the developer requirements should be deleted.

B6 and Employment Land: In addition to the modifications recommended at Issues 84 and 88, modify the plan by expanding the area of the site allocated as B6 “Glen Nevis Business Park” to incorporate the whole area of adjoining land which has been allocated as MU6 “Glen Nevis Business Park”, to be allocated for business and industrial uses, including waste management facilities. The developer requirements should be for development to be dependent on the approval of a masterplan for the site, which should address access, layout and distribution of uses, and design principles, including landscaping and boundary treatment, having particular regard to the impact of the development from the principal Glen Nevis public viewpoints.

Caol Link Road: No modification.

B2: No further modification (but see Issue 101).

Schools Provision: No modification.

Housing Land Supply: No further modification (but see Issues 83, 90 and 93).

Fassfern New Community: No modification.

Fort William settlement development area:

- **Dalvenie Smelter**: No modification.
- **Lochyside open space**: Modify the proposals map by removing the open space designation from the land between the A830 and the railway line.
- **B4 (Carr’s Corner)**: Modify the first sentence of the associated text to state: “Safeguarded for employment uses, which could include a hotel or other tourist related facilities.”

Corpach Woodland Areas: No modification (see also Issue 84).

Issue (ref and heading):	83. FORT WILLIAM HOUSING DEVELOPMENT SITE	Reporter: David Russell
Development plan reference:	Fort William - Allocation H – Tomonie Text WS 58 – Map LFM LO46	
Body or person(s) submitting a representation raising the issue (reference no.):		
G. Bruce (88), J. N. Scott (227), Mr & Mrs D. Cameron (394), J. Clark (417), B. Bruce (460), F. McGregor (490), R. & B. Grieve (509), M. Elliott (517), R. & A. Skinner (617), M. Gilmore (668), L. Gilmore (669), J. Quigley (675), G. Bruce (680), B. Bruce (681), Ms Blackhall (682), A. & P. Brown (704), I. C. Smith (775), W. J. Gibbons (876), H. Gibbons (877), M. Small (878), A. Skinner (880)		
Provision of the Development Plan to which the issue relates:	Housing Allocation	
Council's summary of the representation(s):		
Neighbours and residents object to development on the grounds of: loss of croftland; less safe and/or longer routes to school for local children; loss of European protected wetland habitat; lack of sewerage capacity; opposition to linking of culs-de-sac that serve the area; inadequate road (including rail bridge) capacity; fluvial flood risk; pluvial flood risk; the need for a pedestrian bridge over the railway prior to any more development; the lack of suitable areas within the site to hold additional surface water run-off as a result of more development; loss of scarce greenspace; the negative impact on European protected species (especially otters and bats); the loss of a Right of Way; loss of views from the area's footpath network; adverse impact on the scheduled monument the Caledonian Canal; the area is more suited to a more dispersed crofting style development; the allocation's excessive capacity and density; development will add to existing pollution of local watercourses; the site is a departure from the Adopted Lochaber Local Plan, and; the recent planning permission for the western section of the site should be overturned.		
Modifications sought by those submitting representations:		
Majority request deletion of site (implied) others may be satisfied by a lower density more dispersed crofting style pattern.		
Summary of response (including reasons) by planning authority		
<u>Response(s)</u> : RETAIN ALLOCATION. See commended change below regarding drainage.		
<u>Reasons</u> : The land at Tomonie would benefit from comprehensively serviced development. Its haphazard evolution has resulted in a fragmented pattern of land uses served by a similarly ad-hoc set of service networks. Therefore, what croft land and greenspace remains, is also disjointed. The existing policy wording promotes further development but hand-in-hand with planned improvements (developer requirements) which address the issues raised by representors. The linking of the culs-de-sac is a preference not a formal requirement. The primary school closure is an issue for the future decision of the Council's Education Culture and Sport Committee which is subject to separate public consultation and associated objection procedures. A setting set-back from the scheduled monument canal is already incorporated in the Plan wording. A protected species survey requirement has also been added which would also consider related habitat issues. The Plan wording also already requires improvement to foul drainage arrangements and an additional surface water improvement target would be appropriate.		
Any Further Plan Changes Commended by THC		
ADD developer requirement for "net betterment of surface water drainage."		
Reporter's Conclusions		
I accept that this site represents a significant infill development opportunity, clearly lying within the existing built up area. Its proximity and views to the Caledonian Canal and Loch		

Linnhe would make it, potentially, an attractive residential location. Existing development within the site has been piecemeal, with remnants of its crofting past still apparent. I recognise that this element, with its associated sense of open space and its resource as a wildlife habitat are of value both to existing local residents and in their own right.

In the context of the need for housing in Fort William, and the difficulties in identifying readily developable sites, I accept that there is significant merit in the Council's approach of seeking an integrated and comprehensive approach to secure new housing development in this area. The proposed master planning approach to the development of the area would enable key features to be retained and integrated into the overall development, while also ensuring that the various essential infrastructure issues are addressed. The proposal is not necessarily dependent on the closure of the existing primary school.

However, as the indicative capacity of 60 houses includes 26 which have already been granted planning permission, the contribution which this site allocation can make towards meeting the structure plan requirements is limited. From my site inspection, I consider that the access constraints to further development are very severe. Taking account of the Council's written response to my request for additional information, I am not persuaded that satisfactory solutions are either feasible or implementable in relation to both potential traffic congestion and road safety.

The roads within the existing developed area are not of a satisfactory standard, as they are single track with passing places. Additional housing of the scale proposed would make congestion and road safety on these roads worse. However, this is greatly exacerbated by the fact that both cul-de-sac roads lead directly from the A830 trunk road, and almost immediately cross the railway line by a single track bridge with no footway. The safety issues associated with this include the prospect of vehicles being unable to turn off the A830.

In its written statement in response to my request, the Council has highlighted the difficulties there would be in providing a separate pedestrian bridge. I have no evidence that there is any possibility of a new road bridge of modern standards being provided to access the development; and the Council's suggestion that the developer would be required to fund a "crossing patrol officer" at the western railway bridge during school hours appears to me to confirm that, on the basis of present evidence, the allocation of this site for housing is not appropriate.

It should be noted, however, that the deletion of the site as an allocation for housing development now would not preclude planning permission being granted for such a proposal within the plan period, if a satisfactory solution to these constraints could be devised and secured. Because the site lies within the boundary of the settlement development area, such a proposal would be broadly consistent with Policy 1 of the local plan.

Overall, therefore, I consider that it is likely that the site would remain as a non-effective housing site throughout the plan period. As such, and as a sufficient and generous supply of housing land is being made available on other allocated sites in Fort William, I conclude that its retention as a housing allocation in the plan would not be appropriate.

Reporter's Recommendations

Modify the plan by deleting site allocation H 'Tomonie' from the proposals map, and by deleting all references to it from the text.

Issue (ref and heading):	84. FORT WILLIAM EXPANSION SITES	Reporter: David Russell
Development plan reference:	Fort William - Allocation MU1 – Corpach Text WS 58-59 – Map LFM LO46	
Body or person(s) submitting a representation raising the issue (reference no.):		
J. Biggin (174), I. & M. MacIntyre (197), R. Campbell (244), Kilmallie Community Company (248), A. & C. MacKenzie (257), B. & A. Dennison (289), I. & M. Aitchison (388), J. Clark (417), C. Abernethy & S. Kennedy (439), Scottish Environmental & Protection Agency (SEPA) (446), L. Taylor (447), M. Smith (492), R. & B. Grieve (509), M. MacColl (582), R. Boswell (889), J. Ball (898), S. Abbott (902), J. Walker (911), E. Walker (912), A.K. Rowan (916), G. Anderson (917), P. Jenkins (935), Fort William & District Chamber of Commerce (937), Mr & Mrs Sutton (939), S. & V. Llewellyn (957), S. Sellers (960), Highland & Islands Enterprise (HIE) (495), BSW Timber (500)		
Provision of the Development Plan to which the issue relates:	Expansion Area	
Council's summary of the representation(s):		
<p><u>Wider MU1 Site:</u> Neighbours and residents object on the grounds of: the lack of layout detail for access roads areas of open space and housing etc.; a previous planning application was refused in this general area; inadequate local road capacity; the allocation is contrary to the Adopted Lochaber Local Plan; loss of public views; adverse impact on the amenity of the footpath network that has been put in at public expense; excessive walking distance to the local primary school; loss of actively used croftland; loss of access to common grazings; poor ground conditions; pluvial and fluvial flood risk; construction/blasting damage to existing houses; lack of sewerage capacity; excessive scale/density; loss of greenspace; adverse habitats and species impacts; loss of public open space and mature native woodland; the need for set-back from adjacent uses; the steep gradients are not suitable for elderly accommodation and access; inadequate water supply, and; adverse landscape impact.</p> <p><u>The Existing Sawmill Component of the MU1 Site:</u> Residents' objections to the perceived Plan proposal for an energy from waste plant because of: health risks; amenity risks; toxic ash; few jobs created; unhealthy emissions; concern it would provide less incentive to recycle; additional road traffic; landfill text shown on Plan inset map; loss of recreational facilities allocation from previous Plan draft; fear of "bad neighbour" development; and, adverse tourism impact. HIE request that the sawmill operational area be zoned for Use Classes 4, 5 and 6 because it is flat and serviced, will be available within 3-5 years and is zoned in the Adopted Local Plan. Highland & Islands Enterprise (HIE) highlights the general deficiency of employment land within Lochaber and Fort William in particular. The sawmill owner requests a business and/or retail zoning because housing and community uses would be incompatible with the continuing sawmill operation in the short term.</p>		
Modifications sought by those submitting representations:		
Majority request deletion of site by implication but others seek site and/or density reduction. Specific request for Allt Dogha to be a green corridor for recreation, tourism and wildlife. Specific neighbour request for extreme western boundary to be reduced to exclude woodland and maintain set-back from residential properties. Local group request for 2 significant areas of woodland to be designated and safeguarded as open space. Request for business, industrial and/or retail zoning on sawmill.		

Summary of response (including reasons) by planning authority

Response(s): RETAIN ALLOCATION subject to amendments detailed in commended changes below.

Reasons: The better croftland has already been removed from the allocation. The precise alignment of the distributor connection will depend upon a detailed feasibility assessment which would be undertaken as part of any future planning application process. Site-specific issues such as surface water drainage and servicing are not insurmountable and will be addressed at the planning application stage. Similarly concerns about scale, gradient and landscape impact can be overcome by careful phasing, siting and design. There are other flatter more central sites allocated by the Plan that would better accommodate accommodation suitable for the elderly. The western shift of the allocation from the previous draft will have less landscape impact when viewed from the centre of Fort William and principal hill paths. The Council has no household waste incinerator facility proposed for Fort William. It is investigating provision of an energy from waste facility at Portree to serve Lochaber. The Ordnance Survey map base reference to landfill site refers to a former landfill site and is not a Council proposal. Additional greenspace safeguards are appropriate but it is not known whether these suggested further amendments will meet objectors' concerns. In light of the evidence presented by HIE it is accepted that there is a potential deficiency in allocated employment land in Fort William. A change in the developer requirement wording will strengthen the safeguarding of potential land. However, to specifically delineate certain areas for business only, without the capital programme commitment from Highland & Islands Enterprise (HIE) to acquire and service these areas, would curtail the layout options of these mixed use expansion areas and may prejudice their development for other needed uses such as affordable housing.

Any Further Plan Changes Commended by THC

DELETE last sentence of Lochaber Vision para 5.18 which implies Corpach in general could accommodate an energy from waste facility.

ADD open space notation to larger areas of woodland. ADD developer requirement for "green corridor along Allt Dogha", "semi-natural woodland safeguard" and AMEND to include "Flood risk assessment will be required, built development to avoid flood risk area."

AMEND Fort William allocations MU1, MU2, MU3, MU4, MU5, MU8, MU9, MU10, MU17 to ensure each area safeguards a minimum 15% of site area for employment uses as part of an early phase of development.

Reporter's Conclusions

At the hearing on this issue, it was confirmed that Policy B1 of the structure plan requires the local plan to safeguard and support Annat Point Industrial Estate as a strategic industrial and business site. Part of the land covered by Proposal MU1 is the existing operational sawmill operated by BSW Timber, which is already allocated for business and industry in the adopted Lochaber Local Plan. The company has now acquired a larger site within the land covered by the B1 allocation on the south side of the A830, and intends to transfer all of its operations there and release its existing land which lies within the MU1 allocation.

At the hearing, Highlands and Islands Enterprise confirmed that it supports the retention of this land specifically for business and industry uses, as part of the wider strategic business and industrial location at Annat Point. It envisages investing in the site to provide serviced

plots and/or premises; and confirmed that it would be prepared to upgrade the existing access from the trunk road in a manner which would enable vehicular access to be gained to other developments which may take place within the remainder of the land covered by the MU1 allocation.

In these circumstances, I consider that allocating the existing sawmill site specifically for business and industry would secure conformity with the structure plan. It would also recognise that industrial use of this land is already authorised, and is also confirmed through the existing allocation in the adopted local plan. Protection for the adjoining woodland at Cnoc nam Faobh and the provision of a shared vehicular access can be secured through the requirement for a masterplan. The layout of any new housing development on adjacent land can also be controlled to avoid encroaching too close. Any new industrial processes or operations would be controlled by the Scottish Environment Protection Agency through its licensing powers to avoid nuisance or loss of amenity to neighbouring residents.

Subject to the exclusion of existing residential properties, and the protection of existing woodland, particularly along the slopes of the Allt Dogha and at the western end of the site, I agree that the remainder of the land allocated as site MU1 would provide significant scope for additional housing development. The built up area would not extend further west than it does at present on the south side of the A830, or beyond the existing houses at Camus na Ha. The site's elevated south-facing position would offer both passive solar gain and an attractive outlook, adding to the choice of housing locations within Fort William. Confirmation at the hearing of the position of the new access track to serve a new wind farm to the north offers the prospect of providing a second road access from the trunk road.

With the separate identification of the adjoining site for business and industry, and its peripheral location being inappropriate for a potential replacement school, I consider that the remaining MU1 site should be identified instead as being allocated for housing development, while confirming that compatible ancillary and associated uses such as neighbourhood shops or workspaces would also be acceptable. While recognising that the area developable for housing may be restricted, the site is very extensive and until detailed survey work has been undertaken I find no basis for reducing the current indicative capacity of 200 houses.

All potential development sites in Fort William face constraints, but I consider that this site is likely to be capable of becoming effective and delivering a significant number of house completions within the plan period. For that reason, I am satisfied that its allocation for housing development would be appropriate in view of the scale of the housing requirements for Lochaber identified in the structure plan; the needs identified for Fort William; and the difficulties and uncertainty in securing the full completion within the same timescale of the other major sites in Fort William which have been allocated since 1999 through the Lochaber Local Plan.

As confirmed at the hearing by the Council, there are no plans to incorporate a waste to heat plant or a new landfill site within the land covered by the MU1 allocation. The former landfill sites to the north-west of the Allt Dogha and to the north of the existing BSW Timber site may constrain the scale and extent of new development. While development of land on the edge of an existing built-up area almost inevitably results in some loss of amenity for existing residents, the Council has confirmed that vehicular access will not be gained through existing residential streets. The safeguarding of important areas of woodland can be secured, and any legal implications which may arise relating to crofting land and activities are a matter which will require to be addressed separately.

At the hearing, the Council also confirmed that if land was specifically allocated for business and industry uses at the three strategic locations identified in the structure plan, which

include this one, it would not continue to seek the safeguarding for employment uses of 15% of the site area of any of the mixed use allocations which it identified in the commended change above. Accordingly, I conclude that such a modification is neither necessary nor now supported by the Council.

Reporter's Recommendations

1. Modify the plan by allocating separately the 6.5 hectares site owned by BSW Timber on the north side of the A830 (as shown in the plan submitted by Highlands and Islands Enterprise following the hearing) as B1A "Annat North". The site is to be allocated for business and industrial uses (Use Classes 4, 5 and 6), with developer requirements to state: "Re-development of site to be dependent on prior approval of:

- A transport assessment to address the need for an upgraded junction with the A830 trunk road. That junction to provide shared vehicular and pedestrian access for the site and for the adjacent land to the north which is allocated for housing development.
- A contaminated land assessment to identify remedial measures necessary to address any site contamination.
- A masterplan to address site layout, design principles, and boundary treatment."

2. Modify the plan by allocating the rest of the proposed MU1 site as H2 "Corpach" (the delineated site to omit existing residential properties, as shown in the plan submitted by the Council after the hearing). The site is to be allocated for housing, together with compatible community facilities and neighbourhood retail or business uses. The indicative capacity for housing should be 200 units. The developer requirements are to state: "Development dependent upon prior approval of:

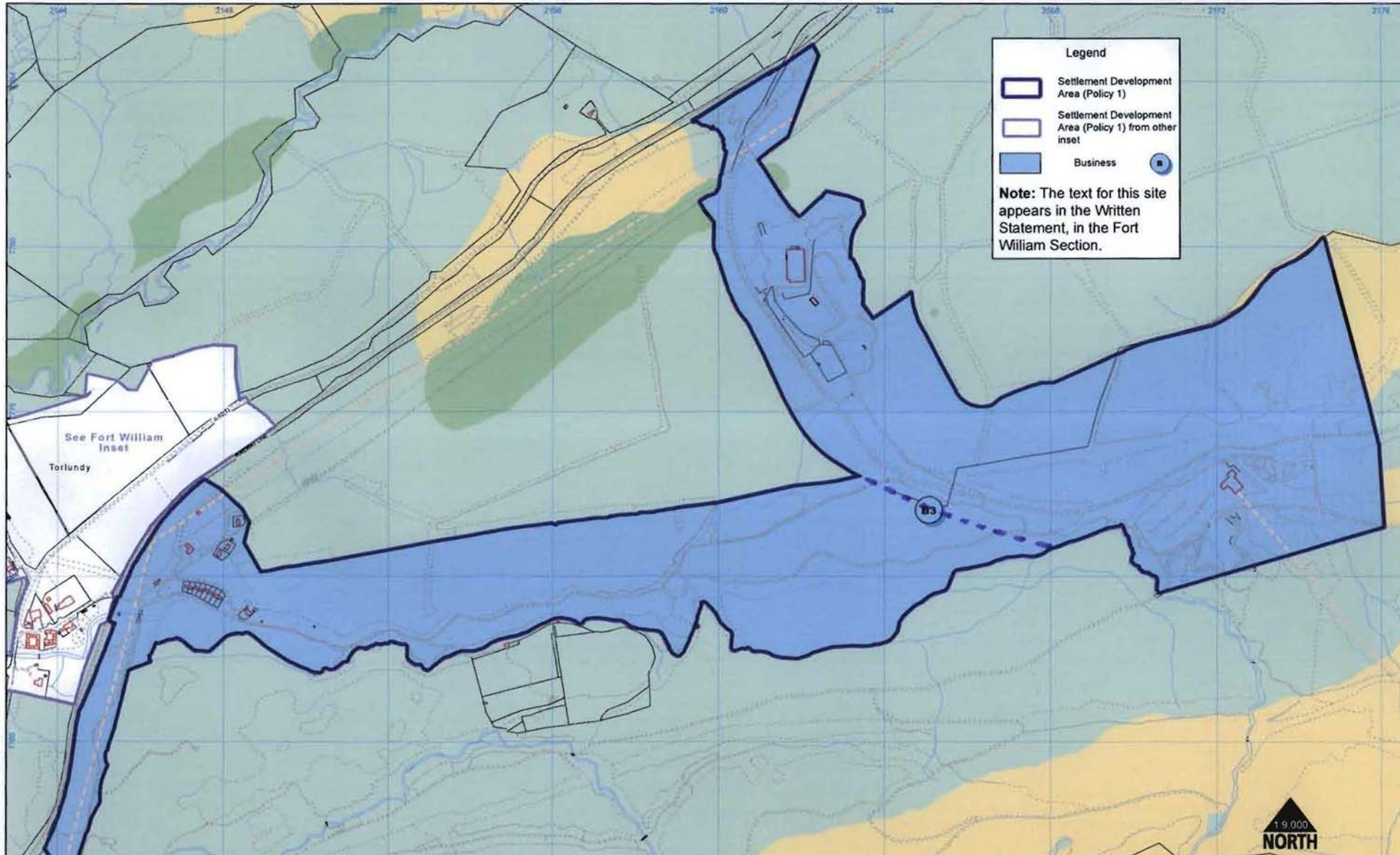
- A flood risk assessment which ensures that built development avoids flood risk areas.
- A transport assessment, which should address the impact on the trunk road, and the needs of pedestrians, cyclists and bus users including safe routes to schools.
- A protected species survey.
- A ground condition survey, to include the identification of contaminated land in connection with the former landfill sites.
- Proposals for any necessary upgrading of the waste water treatment works.
- A site masterplan, showing the proposed layout, road network, structural planting and open space provision, protection of watercourses and natural woodland, and safeguarding of land for a possible cemetery extension. The masterplan should address the need to create sustainable neighbourhoods which fit with the existing settlement; and it should demonstrate the proposed phasing of development.

The issuing of planning permission may be made subject to the prior conclusion of a Section 75 agreement if particular requirements arise from the proposed development which cannot be addressed through planning conditions or other legal agreements."

3. Modify the plan by deleting the final sentence of paragraph 5.18.

INSET LO28 : LEANACH FOREST

Inset LO28 : Gaelic Name



Issue (ref and heading):	85. FORT WILLIAM MIXED USE SITES	Reporter: David Russell
Development plan reference:	Fort William - Allocations MU2 - Corpach Locks Text WS 59 – Map LFM LO46	
Body or person(s) submitting a representation raising the issue (reference no.):		
A. & V. Walker (109), J. & N. McCallum (149), J. Biggin (174), P. Biggin (248), Scottish Environment Protection Agency (SEPA) (446), Historic Scotland (498), R. & B. Grieve (509), Mr & Mrs Payne (891), Highland & Islands Enterprise (HIE) (495)		
Provision of the Development Plan to which the issue relates:	Mixed Use Allocation	
Council's summary of the representation(s):		
<p>Objections to development on the grounds of: flood risk; potential adverse impact on Caledonian Canal scheduled monument; adverse visual impact on classic view of Ben Nevis; off-site flooding impact of any land raising; insufficient room for parking, turning and yacht trailers; noise pollution from yacht rigging blowing in the wind; the railway level crossing is a constraint to the access road's capacity and safety; adverse wildlife impact; any reclamation would be too expensive because of the steeply sloping loch floor at this location, and; development here may be prejudicial to British Waterways interests. Highland & Islands Enterprise (HIE) object generally to the lack of specifically safeguarded employment land within Fort William leading to unmet demand. They also want more explicit support for recreational sailing facilities.</p>		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • Objectors seek deletion of site (implied). • Scottish Environment Protection Agency (SEPA) seek strengthening of flood risk developer requirements. • Highland & Islands Enterprise (HIE) seek specific employment land safeguard and a more explicit support for recreational sailing facilities. 		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u>: RETAIN ALLOCATION subject to further commended changes detailed below.</p> <p><u>Reasons</u>: The Council has already amended the Plan to address the concerns of representors. Positive support for expanded recreational sailing facilities has been included but made subject to access and heritage safeguards and will also be made subject to flood risk. The allocation supports small scale and low-key development proposals plus enhanced marine access most probably via pontoons. The developer requirements text addresses other issues. British Waterways have not objected, will be an essential development partner and have previously been supportive of development connected to their operational interests. In light of the evidence presented it is accepted that there is a potential deficiency in allocated employment land in Fort William. A change in the developer requirement wording will strengthen the safeguarding of potential land. However, to specifically delineate certain areas for business only, without the capital programme commitment from Highland & Islands Enterprise (HIE) to acquire and service these areas, would unnecessarily curtail layout options.</p>		
Any Further Plan Changes Committed by THC		
AMEND Fort William allocations MU1, MU2, MU3, MU4, MU5, MU8, MU9, MU10, MU17 to ensure each area safeguards a minimum 15% of site area for employment uses as part of		

an early phase of development.

AMEND developer flood risk requirement to read, "Flood risk assessment will be required; built development to avoid flood risk area; water related uses only, within flood risk area."

Reporter's Conclusions

The site at Corpach Locks is situated where the Caledonian Canal links with the sea at Loch Linnhe. The canal is a scheduled ancient monument, and there are safety hazards posed by the canal and its lock gates, and by the road access which crosses the adjacent railway by a level crossing. The delineated site, which incorporates a canal-side area of parking, also includes an area along the shore of the loch which would have to be infilled. It therefore presents significant constraints as well as opportunities.

I do not consider that it is an appropriate location to meet the general business or industrial development needs of Fort William, or for a mainstream housing development which is intended to meet the shortfall of housing land in Fort William. I therefore do not agree that the modification suggested by the Council should be made to safeguard a minimum 15% of the site area for employment uses; nor do I consider that the plan should include an indicative housing capacity for the site, whether for 10 units or for any other figure.

However there may be scope for a mixed use development which maximises this area's contribution to tourism in general, but also promotes the recreational use of the Caledonian Canal and of Loch Linnhe in particular. Whether residential or business accommodation is provided as part of such a development would be a secondary matter which can be addressed when a specific proposal for planning permission is submitted.

I am satisfied that the amenity of nearby existing residents need not be significantly prejudiced by such a development, and therefore conclude that it should not be precluded for that reason. Neither do I have any basis for concluding that the present scenic qualities of the area would significantly altered or lost. Similarly, I have no basis for concluding that a development would inevitably result in a significant adverse impact on the setting of the scheduled ancient monument (i.e. the canal); but I accept that a requirement should be placed on any developer that such an impact should be avoided.

It should be noted that a modification recommended for this site at Issue 101 addresses the concern raised above by the Scottish Environment Protection Agency in relation to flood risk.

NOTE: For concerns relating to the Kilmallie Hall, see Issue 82 as far as it relates to the local plan's proposal C2.

Reporter's Recommendations

Modify the plan in relation to site MU2 Corpach Locks by:

- Removing the reference to an indicative housing capacity of 10 units;
- Amending the "Acceptable uses" to state: "Tourism and recreational uses, with ancillary or incidental business or residential uses."; and,
- Amending the developer requirement in relation to the scheduled ancient monument by replacing "mitigation for any canal SAM impact", with "avoid any significant adverse impact on the Caledonian Canal scheduled ancient monument or its setting."

Issue (ref and heading):	86. FORT WILLIAM MIXED USE SITES	Reporter: David Russell
Development plan reference:	Fort William - Allocations MU3 - Banavie Car Park Text WS 59 – Map LFM LO46	
Body or person(s) submitting a representation raising the issue (reference no.):		
W. G. Lees (101), Mr. & Mrs. H. Ryan (612), A. Clark (795), Highland & Islands Enterprise (HIE) (495), British Waterways Scotland (BWS) (767)		
Provision of the Development Plan to which the issue relates:	Mixed Use Allocation	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> Residents object on the grounds of: adverse impact on tourism; loss of greenspace; loss of views, and; loss of "public" parking which is important for locals, visitors and is also used for major events. Highland & Islands Enterprise (HIE) believe the lack of specifically safeguarded employment land within Fort William is leading to unmet demand. British Waterways Scotland (British Waterways Scotland) clarify that they have no obligation to provide general needs parking. It is prepared to enter dialogue with all affected parties but believe an expanded boundary would better reflect its ownership boundary and associated uses/land. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> Objectors seek deletion of allocation (implied). HIE seek specific employment land safeguard. British Waterways Scotland seek expanded allocation for canal side development, new homes and associated open space. 		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u>: RETAIN ALLOCATION but see commended employment land safeguard change below.</p> <p><u>Reasons</u>: The role of this area as a vital visitor facility is accepted and therefore its loss or partial loss to a competing use would not be appropriate. The site and its constraints lend themselves to a visitor related development. It should be possible to achieve a compromise use mix that promotes development potential without compromising built heritage, parking and greenspace interests. In light of the evidence presented it is accepted that there is a potential deficiency in allocated employment land in Fort William. A change in the developer requirement wording will strengthen the safeguarding of potential land. However, to specifically delineate certain areas for business only, without the capital programme commitment from Highland & Islands Enterprise (HIE) to acquire and service these areas, would curtail the layout options of these mixed use expansion areas and may prejudice their development for other needed uses such as affordable housing.</p>		
Any Further Plan Changes Commended by THC		
AMEND Fort William allocations MU1, MU2, MU3, MU4, MU5, MU8, MU9, MU10, MU17 to ensure each area safeguards a minimum 15% of site area for employment uses as part of an early phase of development.		

Reporter's Conclusions

I agree with the Council that this site fulfils a very important role for visitors to the area by providing extensive parking adjacent to the series of canal locks known as Neptune's Staircase on the Caledonian Canal, and offering immediate access onto the canal-side footpath. It also contains a small play park and open space which provides a useful resource and amenity for local residents. I accept that, due to its size, the site does provide some scope for development but, because of its location, this should be restricted to developments which are intended principally to enhance or contribute to the role of the canal as a recreational and tourist resource and as an important amenity both for local residents and those of the wider Fort William area.

For these reasons, I do not consider that this is an appropriate site to meet the wider needs of the Fort William area for additional land for general business and industrial development. Accordingly, I do not agree with the Council's suggest modification which is intended to ensure that a minimum 15% of the area of this site should be safeguarded specifically for employment uses.

Similarly I do not consider that this site should be identified as one of those intended to contribute to meeting the shortfall in housing land in Fort William, and I therefore agree that housing should not be specified as among the acceptable uses for the site.

I conclude that the local plan should specify that the acceptable uses would be tourism and/or recreational developments related to the adjacent canal. I note that this accords with British Waterways' stated intention. Any additional elements of business or residential development which come forward as ancillary to such a proposal can be addressed on their merits.

The developer requirement in relation to the Caledonian Canal scheduled ancient monument should ensure that any significant adverse effect on its setting is avoided, rather than mitigated. Safeguarding of the site's role for local community use is secured by the stated developer requirement that there should be no net detriment to existing community facilities.

Reporter's Recommendations

Modify the plan's provisions in relation to Site MU3 at Banavie Car Park by:

- Specifying that the acceptable uses shall be tourism and/or recreational developments related to the adjacent canal; and,
- Amending the developer requirement relating to the Caledonian Canal scheduled ancient monument to state that any adverse effect on its setting should be avoided.

Issue (ref and heading):	87. FORT WILLIAM MIXED USE SITES	Reporter: David Russell
Development plan reference:	Fort William - Allocation MU4 - Mount Alexander Text WS 59 – Map LFM LO46	
Body or person(s) submitting a representation raising the issue (reference no.):		
R. & B. Grieve (509), Highland & Islands Enterprise (HIE) (495)		
Provision of the Development Plan to which the issue relates:	Mixed Use Allocation	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> • Objection on grounds of: loss of greenspace; loss of habitat; lack of housing demand; and lack of supporting infrastructure and jobs. • Highland & Islands Enterprise (HIE) - Lack of specifically safeguarded employment land within Fort William is leading to unmet demand. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • Objectors seek deletion of allocation (implied). • Highland & Islands Enterprise (HIE) seek specific employment land safeguard. 		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u>: RETAIN ALLOCATION but see commended employment land safeguard change below.</p> <p><u>Reasons</u>: Adjoining site-specific constraints have been referenced within the site's developer requirements. The land lies within the urban area and is a suitable infill site subject to the requirements being met. There is a planning application for 10 holiday accommodation units pending on the site. In light of the evidence presented it is accepted that there is a potential deficiency in allocated employment land in Fort William. A change in the developer requirement wording will strengthen the safeguarding of potential land. However, to specifically delineate certain areas for business only, without the capital programme commitment from Highland & Islands Enterprise (HIE) to acquire and service these areas, would curtail the layout options of these mixed use expansion areas and may prejudice their development for other needed uses such as affordable housing.</p>		
Any Further Plan Changes Commended by THC		
AMEND Fort William allocations MU1, MU2, MU3, MU4, MU5, MU8, MU9, MU10, MU17 to ensure each area safeguards a minimum 15% of site area for employment uses as part of an early phase of development.		
Reporter's Conclusions		
Although adjacent to the Caledonian Canal, the site lies at a significantly lower level so that development proposals are unlikely to impinge on it adversely. The specified developer requirements would ensure appropriate protection for the elements of ancient woodland; and in these circumstances I do not consider that the loss of greenspace or habitats would be so significant as to preclude development.		

However road access is less than ideal, and there are scrapyards activities immediately to the south-east. This restricts the likely development options and potential occupiers. These constraints suggest that the opportunities that the site presents to contribute to meeting the general business and industrial needs of Fort William are limited. In these circumstances, I consider that it would not be appropriate to incorporate the modification commended by the Council above, to ensure that a minimum 15% of the site area is safeguarded for employment uses as part of an early phase of development. However, the option of developing the whole site for business and/or industrial uses would remain.

Reporter's Recommendation

No modification.

Issue (ref and heading):	88. FORT WILLIAM EXPANSION SITES	Reporter: David Russell
Development plan reference:	Fort William - Allocations MU5 & MU7 - Blar Mor and Caol/Lochyside Text WS 59-61 – Map LFM LO46	
Body or person(s) submitting a representation raising the issue (reference no.):		
<p><u>Objections</u> - R. & B. Grieve (MU5, MU7) (509), M. Elliott (MU5) (517), I. M. Strachan (MU5) (694), M. Morrison (MU5) (741), Brodies on behalf of Inverloch Castle Ltd (MU5, MU7) (748), L. Wade (MU5) (937), S. Bracken (MU5) (987), C. MacInnes (MU7) (205), J. Murdoch (MU7) (258), C. Morrison (MU7) (334), L. Livingston (MU7) (558), I. Hamilton (MU7) (561), D. Ferguson (MU7) (799), D. & C. MacInnes (MU7) (800), Highland & Islands Enterprise (HIE) (MU5, MU7) (495), Oatridge Ltd / Locheil Estates (MU5) (947)</p>		
Provision of the Development Plan to which the issue relates:	Expansion Area	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> • <u>MU5</u>: Residents' objections to development on the grounds of: loss of common grazings which the smaller crofts depend upon; pluvial and fluvial flood risk; excessive scale and density of housing development; loss of European protected habitat (blanket bog) which is also an educational resource; loss of structural and central urban greenspace; adverse impact on views from A830 and surrounding hill paths; adverse impact on the cultural significance of the potential site of Loch Abar freshwater loch; poor ground conditions (high water table), and; the land would better be allocated as a local nature reserve. • <u>MU7</u>: Residents' objections to development on the grounds of: pluvial flood risk; poor ground conditions; the A830 junctions are already at capacity at peak times; the need for a development set-back from the railway; adverse traffic impact on the local road network; detrimental impact on traffic safety close to local play areas; adverse impact on habitats and species; excessive scale and density of housing development; insufficient supporting community facilities; loss of privacy and private views; the costs of peat extraction will make development uneconomic, and; the Caol Link Road should be built prior to development. • Highland & Islands Enterprise (HIE) assert that the lack of specifically safeguarded employment land within Fort William is leading to unmet demand damaging the economic growth prospects of the area. Also specifically for MU5, Highland & Islands Enterprise (HIE) want land to the west of A830 to be re-allocated for business and industrial development because: it is listed in the Council's Structure Plan and Adopted Local Plan as a key employment site; it is separated from other incompatible uses and is therefore ideal for bad neighbour uses, and; the site benefits from a previous albeit now lapsed planning consent. Highland & Islands Enterprise (HIE) dispute the need for the Caol Link Road safeguard that crosses the site. • Oatridge Ltd./Locheil Estates as the developer and landowner of site MU5 query the scale of retail provision appropriate to a district centre. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • Objectors seek deletion of allocation (implied). • Highland & Islands Enterprise (HIE) seek specific employment land safeguard and removal of link road safeguard. <p>Landowner/developer seeks a larger retail component on MU5.</p>		

Summary of response (including reasons) by planning authority

Response(s): RETAIN ALLOCATIONS but see commended employment land safeguard changes below.

Reasons

MU5: The majority of the land has been allocated for a considerable period and benefits from allocation within the Adopted Lochaber Local Plan. Moreover, Fort William's rate of growth has been artificially low in recent years due to the significant development cost constraints facing most sites. Although the importance of the European protected habitat is recognized it is not rare in a Highland context and this example is central to an urban area and therefore subject to the encroachment and pressure associated with such a location. However, retention of a significant area of greenspace would be appropriate. This may take the form of retained crofting, a riverside corridor and/or an area required for tackling surface water problems and could interpret the potential cultural and natural significance of the location. Visually, the land is flat, low lying and central to an urban area and therefore entirely appropriate in landscape terms. The high site preparation costs are recognized but are not regarded as an insurmountable constraint. Most of the allocated land is blanket bog and of very poor grazing quality. The developer's commitment to pursue an inclusive master planning process for a mixed use proposal, which will deliver economic benefits, a reservation for a relocated hospital, sports pitches, a Police HQ if needed and business land is welcomed. The Caol Link Road safeguard is appropriate given the Council's commitment to what is a strategic route. Bad neighbour uses may be appropriate within the wider site but the commercial advantage of a prominent trunk roadside location should not be wasted for a use that would not benefit from it. The master planning process will reveal and test an optimum layout and mix of uses.

MU7: There is a 301 house planning application pending on allocation MU7 which is likely to be determined prior to Examination. The majority of the land area has been allocated for a considerable period and benefits from allocation within the Adopted Lochaber Local Plan. Moreover Fort William's rate of growth has been artificially low in recent years due to the significant development cost constraints facing most sites. Although the importance of the European protected habitat is recognized it is not rare in a Highland context and this example is central to an urban area and therefore subject to the encroachment and pressure associated with such a location. However, retention of a significant area of greenspace would be appropriate. This may take the form of an area required for tackling surface water problems. The high site preparation costs and servicing issues are recognized but are not regarded as an insurmountable constraint. Noise pollution, property depreciation and loss of private views are not relevant considerations for this allocation. The Caol Link Road safeguard is appropriate given the Council's commitment to what is a strategic route.

Employment Land: In light of the evidence presented it is accepted that there is a potential deficiency in allocated employment land in Fort William. A change in the developer requirement wording will strengthen the safeguarding of potential land. However, to specifically delineate certain areas for business only, without the capital programme commitment from Highland & Islands Enterprise (HIE) to acquire and service these areas, would curtail the layout options of these mixed use expansion areas and may prejudice their development for other needed uses such as affordable housing.

Any Further Plan Changes Committed by THC

AMEND Fort William allocations MU1, MU2, MU3, MU4, MU5, MU8, MU9, MU10, MU17 to

ensure each area safeguards a minimum 15% of site area for employment uses as part of an early phase of development.

Reporter's Conclusions

General: The land included within these allocations is mainly covered by blanket bog, which is a European protected habitat, and it includes relatively extensive areas of bog woodland. However, at the hearing it was confirmed that these areas are not the subject of any designation to protect these habitats. Other, and better, examples of the habitat have been designated for protection elsewhere in the Highlands, and Scottish Natural Heritage has not objected to the proposals in the local plan to develop these sites. The Council suggested that this was in recognition of their central position within the built-up urban area of Fort William.

In these circumstances, and in the context of the requirement to identify effective land for both housing and business and industry in Fort William, I accept that it is appropriate to allocate these areas for development. However I also agree that, as the best examples lie to the east of the A830, it would also be desirable for an area of bog woodland to be retained as a positive element in the overall layout to provide an additional amenity and an area of open space within the overall development, and to contribute to the requirement for a sustainable drainage system for the Blar Mhor site.

It should be noted that, prior to the hearing, the agent acting for Inverloch Castle Ltd confirmed that his client's objections in relation to these allocations should be treated as withdrawn.

Allocation MU5: At the hearing on this issue, it was confirmed that Policy B1 of the structure plan requires the local plan to safeguard and support Blar Mhor Industrial Estate as a strategic industrial and business location. That part of the industrial estate which is already developed is not covered by any allocation in this local plan. The land to the north-west which is already allocated for business and industrial development in the adopted Lochaber Local Plan, is proposed in this plan to be allocated as part of the much larger mixed use site extending over the majority of the area of blanket bog on the opposite, eastern side of the A830 trunk road. Part of this larger site, adjacent to the secondary school, has already been developed for a large health clinic, and the Council has decided that it will grant planning permission in principle for a 60 bed care home on the remainder of the land lying between it and the A830 trunk road.

At the hearing, Highlands and Islands Enterprise confirmed that it supports the retention of the land to the west of the A830 trunk road specifically for business and industry uses, as part of the wider strategic business and industrial location at Blar Mhor. It envisages investing in the site to provide serviced plots and/or premises for a range of business and industrial uses. The development would be subject to the resolution, in consultation with Network Rail and Transport Scotland, of how the Caol Link Road, which is safeguarded in the plan, will cross the railway line which bounds the western edge of the site, and connect to the trunk road. Highlands and Islands Enterprise confirmed that a high quality of landscaping and built development along the site's frontage with the trunk road can be secured, and that a masterplan would assist in delivering this.

Given its identification by the structure plan as a strategic location for business and industry, I agree that the appropriate approach would be to allocate the portion of site MU5 which lies to the west of the A830 specifically to accommodate further business and industrial uses, and to be safeguarded for that purpose. For that reason its inclusion within the area delineated by the "commerce centre" boundary, to which Policy 17 applies, would no longer be appropriate. However, it enjoys a central position in relation to the overall

settlement of Fort William, and its strategic importance is enhanced by its frontage alongside the trunk road. The preparation of a masterplan should ensure that a high quality of development is secured.

The remainder of the MU5 site lying west of the A830 and within the commerce centre boundary provides considerable scope to create the urban district centre, including retail, office and leisure developments, which is specified by Policy 17. At the hearing, the Council confirmed that the developer requirements should include a retail impact assessment to address the impact of any proposed retail development on the vitality and viability of Fort William town centre, and I consider that this approach would enable the appropriate scale and type of retail development at this location to be identified.

With the additional land allocated outwith the commerce centre boundary to the north-east and north-west, and on the basis of the evidence given at the hearing by Miller Developments on behalf of the landowner (Oatridge Ltd / Locheil Estates), I am also satisfied that this site is capable of delivering up to 300 houses in the period to 2018.

The site lies outwith the area identified as being at risk from a 1 in 200 year flooding event. I consider that the potential loss of common grazings are substantially outweighed by the benefits to the people of Lochaber as whole if this key site, centrally located within the overall settlement of Fort William, is developed for the proposed purposes. Any legal restrictions related to its present status as crofting land would require to be addressed separately.

As stated above, I also accept that the development of this site would justify the removal of a significant area of blanket bog, but it should be a requirement on the developer to retain a viable element within the overall layout to provide both an amenity, both as an open space and as a link with the area's past, and an opportunity to contribute to a sustainable drainage scheme for the overall site.

It should be noted that this site is the subject of a modification recommended at Issue 101, which will incorporate an additional requirement for the developer to provide a justification for any new access onto the trunk road.

As confirmed by the Council at the hearing, in the event of a specific site being allocated for business and industry as an extension to the Blar Mhor industrial estate, it would not wish to pursue further the suggested change to require 15% of the remaining MU5 site to be safeguarded for employment uses as an early phase of the development.

Allocation MU7: At the hearing the Council confirmed that it has granted planning permission for 23 houses on the south-east portion of this site, and for a care home at the northern end. It has also approved an application for 301 houses for nearly all of the remainder of the site, and the planning permission will be issued once a Section 75 agreement has been concluded. Only a small area at the northern end, east of the access road, is uncommitted and it may be suitable for a replacement primary school or further housing.

Some loss of amenity for neighbouring residents is almost inevitable when previously unused areas such as this are developed, but I do not consider that any of the effects here would justify deleting the proposed development. Given its central position within the overall built up area of Fort William there would be significant advantages in developing this site. While the need to remove blanket bog and subsequently up-fill the site is a disadvantage, for the reasons stated above I conclude that it should not preclude its development. I find no basis for concluding that the other constraints cannot be addressed, and I am satisfied that this site is capable of becoming effective and delivering most, if not

all, of the house completions within the plan period.

In these circumstances, I consider that it is logical that the site should now be allocated for housing development with an indicative capacity of 350 houses. The acceptable uses should be identified as housing and compatible community uses, which would include a possible primary school. The developer requirements would not need to be modified significantly.

Reporter's Recommendations

1. Modify the plan by allocating separately that part of the area of MU5 to the south-west of the A830 as B7 "Blar Mhor Industrial Estate Expansion". The site is to be allocated for business and industrial uses (Use Classes 4, 5 and 6). It should be excluded from the area shown on the proposals plan as lying within the boundary of the "commerce centre" to which Policy 17 applies. The developer requirements should state: "Development of site to be dependent on prior approval of:

- A transport assessment to address the need for a new or upgraded junction with the A830 trunk road, while also accommodating the Caol link road. The assessment should address the needs of pedestrians, cyclists and bus users, as well as the needs of car traffic and of freight and service vehicles.
- A masterplan to address peat removal, site layout, design principles, and boundary treatment."

2. Modify the plan in relation to the developer requirements for the remaining elements of site MU5 by:

- Adding "retail impact assessment to address the impact on the vitality and viability of Fort William town centre"; and
- Removing the reference to internal distributor roads connecting with Caol/Lochyside.

3. Modify the plan by re-designating the proposed MU7 site as H3 "Caol/Lochyside" with an indicative capacity of 350 houses. The acceptable uses are to be housing and other residential uses, together with compatible community facilities including a possible primary school. In the developer requirements, the reference to "a Gaelic School" should be modified to state: "a possible Gaelic School or other primary school".

Issue (ref and heading):	89. FORT WILLIAM EXPANSION SITES	Reporter: David Russell
Development plan reference:	Fort William - Allocation MU8 – Lundavra Text WS 61 – Map LFM LO46	
Body or person(s) submitting a representation raising the issue (reference no.):		
M.G. & A.G. Halligan (22), E. Griffiths (46), B. MacPherson (89), M. MacPherson (90), J. Douglas (160), R. & A. Algar (178), M. McCann (203), L. Merry (232), M. Jones (235), B. J. & E. Walzak (356), S. Bain (367), , Mr & Mrs Matheson (369), , R. Bruce (392), I. McCulloch (396), S. Sutherland (402), , Mr. & Mrs. M. Warburton (458), K. & F. Robertson (491), B. & P. Paterson (514), Mr & Mrs O’Neil (552), Mr. & Mrs. A. Lindsay (571), D. & S. Robertson (602), A. Whiteford & N. MacDonald (616), I. M. Strachan (694), N. Johnson (714), C. M. Whiteford (730), Mrs O’Neil (894), A. Whiteford (901), J. Macrae (905), E. M’Kenzie (934), A. Henderson (963), A. Cameron (964), J. Thomson (975), Kearney Donald Partnership on behalf of part owner Malcolm Cameron (456), Highland & Islands Enterprise (HIE) (495)		
Provision of the Development Plan to which the issue relates:	Expansion Area	
Council’s summary of the representation(s):		
<ul style="list-style-type: none"> Residents' objections on the grounds of: pluvial flood risk, which has no practicable solution because of a lack of additional surface water storage areas; existing slope stability issues which will be worsened by further development; poor ground conditions; adverse species and habitats impacts; loss of essential surface water storage areas; excessive size/density; concern that the stated density can only be achieved by high rise development; light pollution caused to lower properties because of the site's steep gradient; the steepness of the site being unsuitable for elderly accommodation and access; the site's development would create unsafe routes to school; increased pedestrian movements along existing paths which will increase nuisance problems; loss of informal play space; lack of layout detail; better alternative housing land north of the Dalvenie smelter and elsewhere within Fort William that is allocated within the Adopted Lochaber Local Plan and lower lying; the 1985 planning application refusal on part of the site; litter pollution; insufficient room for set-back from existing development; loss of scarce greenspace; loss of actively used croft land; loss of public views across Loch Linnhe; impact on proposed TPO; lack of supporting employment; overlooking leading to loss of privacy; fear that Seafield Gardens and Grange Terrace will be used for access to the site as a loop road; the altitude and exposure of the location; unclear satellite reception; existing water pressure problems being worsened by development; overhead lines inhibiting development; the compensation costs that would need to be paid by the Council if slope stability/flooding problems occur; trunk road queuing at the West End roundabout; increased traffic on Lundavra Road and Sutherland Avenue, and; the greater proximity to the SSSI which will result in a greater impact. The landowner requests an extension to the allocation because of the lack of constraints and because he is prepared to safeguard land for other non-housing uses in principle subject to the costs and density of development. Highland & Islands Enterprise (HIE) seek a specific employment land safeguard for the site because: there is little spare capacity in allocated business sites which is insufficient for a sub-regional centre; government guidance requires a 5 year supply of marketable employment land; there is no Council justification for changes from previous plans; Highland & Islands Enterprise (HIE) has a proven track record of acquiring and servicing sites, and; there is evidence of recent and existing unmet employment land demand. 		

Modifications sought by those submitting representations:

- Majority of neighbours / residents request deletion of site (implied).
- Landowner seeks extension of site to south east.
- Highland & Islands Enterprise (HIE) seeks specific employment land safeguard.

Summary of response (including reasons) by planning authority

Response(s): RETAIN ALLOCATION but see commended employment land safeguard change below.

Reasons

- Representors' concerns over slope stability and existing surface water drainage issues have been recognized and are incorporated within the site's developer requirements. Discussions have taken place with Scottish Natural Heritage as to the SSSI proximity issue and they have advised that the allocation boundary can be contiguous to the designation boundary. Although there are alternative housing areas, this site compares favourably in terms of feasibility and outlook. The majority of the land is green but is fenced, partly in active crofting use and does not function as actively used public open space. Public views across Loch Linnhe can be safeguarded by control at the detailed planning application layout stage and will also be mitigated by the sloping nature of the site. The draft TPO was never confirmed but this is addressed in the current Plan wording. The existing policy wording requires developer contributions to resolve servicing issues. The density figure is indicative but doesn't necessitate high rise development. Light pollution will be an issue in any urban area and dark sky opportunities are available closeby. Similarly, other opportunities for housing for varying needs are allocated within the wider settlement. The decision on school provision has yet to be made but safe routes will be considered and any necessary mitigation provided. Better use of an existing footpath is a positive result for promoting active, healthy travel. The site does not provide public open space at present but could do as part of the development. There is no intention to connect the site through Seafield Gardens and Grange Terrace. The land north of the smelter is dependent upon the realignment of the A82 which is not included in the Government's 20 year trunk road capital programme. There is no significant queuing issue at the West End roundabout outwith peak periods. There may, at the time of the application and dependent upon the results of an engineering assessment, be a need to secure a developer bond or insurance to cover the impact of any potential slope stability issue.
- The suggested extension further to the south west would create layout and adopted road access issues. These suggest that the land may be suitable for development but should not benefit from a specific allocation.
- In light of the evidence presented it is accepted that there is a potential deficiency in allocated employment land in Fort William. A change in the developer requirement wording will strengthen the safeguarding of potential land. However, to specifically delineate certain areas for business only, without the capital programme commitment from Highland & Islands Enterprise (HIE) to acquire and service these areas, would curtail the layout options of these mixed use expansion areas and may prejudice their development for other needed uses such as affordable housing.

Any Further Plan Changes Commended by THC

AMEND Fort William allocations MU1, MU2, MU3, MU4, MU5, MU8, MU9, MU10, MU17 to ensure each area safeguards a minimum 15% of site area for employment uses as part of an early phase of development.

Reporter's Conclusions

At the hearing, the range of constraints which would affect the development of this site were confirmed. These relate principally to the severely sloping nature of parts of the site, particularly in the vicinity of the neighbouring houses on Seafield Gardens and Grange Road, together with the underlying ground conditions and high levels of surface water run-off. In addition, there is an area of alder woodland to the south of the site which has been designated as a Site of Special Scientific Interest, and there has been evidence reported of protected species within or near the development site, including otters, red squirrels, badgers, black grouse, and orchids.

It is clear that the development cannot proceed until these aspects have been fully assessed. This may lead to significant restrictions on the extent and nature of the development, together with the imposition of requirements to ensure that neighbouring residents and their properties are not adversely affected and that wild-life is appropriately protected. Despite this, I find that, in principle, this is an appropriate location to accommodate additional housing in Fort William, as it would round-off the existing built-up area, can be accessed directly from the existing Lundavra Road, and is close to the town centre with good accessibility by foot or public transport.

There is no doubt that many of the houses would enjoy an attractive outlook over Loch Linnhe; and Scottish Natural Heritage confirmed that the safeguards for natural heritage are appropriate and that it did not object to the development of the site. Vehicular access would not be taken from Seafield Gardens or Grange Road; and I do not consider that other potential impacts on the amenity of existing residents would be so great as to justify the omission of the proposal. The need for further housing to be built in Fort William is pressing, and the preparation of the local plan is the best way of assessing which sites are now the most suitable to accommodate the necessary developments. In this respect, circumstances have changed significantly since previous local plans or planning appeals were decided.

At the hearing it was also confirmed that the replacement of the Fort William and Upper Achintore primary schools is the Council's priority school project, and the land at the north-east end of the site may well be suitable. It would take access directly off Lundavra Road, and be readily accessible to surrounding residential areas. If selected, its construction would be likely to assist in initiating the wider development of the site, and other servicing requirements, such as connections to the water and drainage networks are not expected to pose insurmountable difficulties.

The Council also confirmed at the hearing that if land was specifically identified for the development of business and industry at Annat Point, Blar Mhor and Glen Nevis Business Park, it would not longer wish to pursue its proposed modification to this and other sites, to secure that 15% of the area be developed for employment uses at an early stage. As these specific allocations are now to be made, and Highlands and Islands Enterprise confirmed that it was not seeking land to be allocated for business and industry at Lundavra, I consider that it would be logical that this site should be identified as being principally for housing development, together with compatible community uses including a possible primary school.

Although parts of the site are likely to prove undevelopable, it is an extensive area and I have no evidence to justify altering the indicative capacity of 150 houses, or for concluding that the site as a whole is not likely to prove effective or be capable of delivering a significant proportion of these houses within the plan period. The various owners of the site have confirmed in writing that they intend to support its development.

I am satisfied that the benefits to be gained from the development of this site clearly outweigh its retention as grazing land. As confirmed at the hearing, it forms part of a wider holding of some 150 acres which supports a total of only 70 sheep. Any legal implications relating to crofting land will require to be addressed separately.

Reporter's Recommendations

Modify the plan by re-designating this site as H4 "Lundavra", with the same site boundary and the same indicative capacity of 150 houses. The acceptable uses are to be housing and compatible community uses, including a possible primary school. A protected species survey and assessment, which identifies areas to be protected from development and any necessary mitigation measures, should be added to the developer requirements.

Issue (ref and heading):	90. FORT WILLIAM EXPANSION SITES	Reporter: David Russell
Development plan reference:	Fort William - New Community MU9 - Torlundy/ Fort William - Business Allocation B3 - Leanachan Forest Text WS 61-62, 65 – Map LFM LO46 & LO28 MB 40	
Body or person(s) submitting a representation raising the issue (reference no.):		
D. Robertson (32), G. T. Kaye (33), C. Carver (45), S. Carver (48), M. Stevens (124), E. A. D. Kaye (135), J. & N. McCallum (149), M. Dunham (& 3 petitions totalling 550 signatures) (222), J. N. Scott (227), J. Murdoch (258), J. Weir (Inverlochy and Torlundy Community Council) (301), H. MacColl (381), R. Pashley (382), J. Pashley (383), J. Weir (405), A. McKenna (407), L. Macalister (408), R. MacKenzie (413), J. E. Robertson (418), M. & M. Dunham (427), J. & S. Wilson (428), Scottish Environment Protection Agency (SEPA) (446), K. Matheson (455), J. McIntyre (457), A. Campbell (463), C. Dingwall (471), D. N. Williams (494), R. & B. Grieve (509), Lochaber District Salmon Fishery Board (523), J. Bell (529), M. Gillespie (579), M. Mee (580), D. Mee (581), D. & C. MacCallum (615), J. Carver (297 signature petition) (745), Mr & Mrs Kennedy (749), B. Thomas (754), D. Carver (884), J. M. Kennedy (885), D. Mitchell (904), J. Mee (914), C. A. Williams (938), M. Jons (940), L. Williams (942), B. & S. Thomas (944), R. Leaper (948), J. Fairbairn (950), P. Pullar (951), D. Paton (953), P. Pollard (954), M. Ketchin (955), E. Macalister (978), K. Ball (981), K. Scouler (982), E. & B. Kempe (B3 only) (986), Bidwells on behalf of Mr & Mrs Carver (861), Howie Minerals (794) and Brodies on behalf of Inverlochy Castle Hotel (748)		
Provision of the Development Plan to which the issue relates:	New Community, Business Allocation	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> • Objections to development on the grounds of: the land was not considered at the site options (Lochaber Futures) Plan draft stage; excessive scale and density; inadequate supporting community facilities; irreversible loss of good agricultural land; adverse impact on the setting of Inverlochy Castle Hotel as a listed building; better, more sustainable brownfield sites being available within Fort William or at Dalvenie Smelter; adverse impact on existing businesses; inadequate infrastructure; the development will be contrary to national planning guidance; inadequate jobs to support new residents; poor ground conditions particularly at Achindaul; adverse impact on historical and environmental features; no demand for housing in the area and forecasts are only aspirations; traffic and light pollution; a departure from the Council's Hinterland policy; adverse impact on the social balance of the existing community; pollution risk to River Lundy; loss of ancient Caledonian forest; loss of residential amenity; impact of any industrial development on local amenity; opposition to any closure of existing junctions; inadequate single track side roads; loss of safety of unfenced children's play area; proposals are unclear; adverse landscape impact and therefore loss of tourism; the proposal being contrary to the established settlement pattern in the area; site B3 promoting ribbon development, and; the environmental effects of the development have been underestimated in the Council's strategic environmental assessment. Other later objections were received on the grounds of: severance of any potential community by the A82 trunk road; dislocation of parts of the settlement; flood risk; noise pollution; new trunk road accesses being contrary to national policy; lack of housing demand in the current recession; feasibility given the high costs of A82 improvements; decreased safety on the A82 due to access proliferation; a genuine mixed use community would have more of a balance of employment and community facilities; the need and cost to relocate A82 roadside telecommunications services; the need for a new primary school or increased school transport costs; adverse protected species impact; the developer master plan layout is not sensible; the A82 improvement is not in Government's capital programme; the rail 		

halt and other improved public transport connections are not feasible; the weight of public feeling as evidenced by petitions, and; some residents concerns about properties being shown within area and therefore assumed for demolition. The one objection specific to B3 is based upon its encouragement of ribbon development and a suggestion that it would have been better to just allocate land both sides of Nevis Range access, forest tracks should just be left for recreation.

- Bidwells on behalf of Mr & Mrs Carver propose a tourism based development on Carver land. They believe this would be of a more appropriate scale and more environmentally friendly than the Council's allocated new community.
- Brodies on behalf of Inverloch Castle Hotel seek an allocation that will provide sufficient development value to retain and enhance the Hotel as an existing high quality tourism asset and employer. They believe the site can: make an effective contribution to the local land supply; provide simpler land assembly on less constrained land than alternatives within and around Fort William. They assert that a higher density will make better use of a scarce land resource. They propose a layout and land use mix that does not fully comply with the Council's concept of a sustainable new community.

Modifications sought by those submitting representations:

- Majority of objectors seek deletion of allocation.
- Bidwells on behalf of Mr & Mrs Carver seek allocation of Carver land for: eco-based holiday village accommodation; expansion of events and bunkhouse accommodation; allotments, and; medium density, private and affordable housing including homeworking units.
- Brodies on behalf of Inverloch Castle Hotel (748) seek 300 dwelling new village proposal and limited associated facilities.

Summary of response (including reasons) by planning authority

Response(s): RETAIN ALLOCATION but see further flood risk and protected species commended amendments below.

Reasons

Given the constraints with other expansion sites within the wider Fort William area, Torlundy is worthy of support as a growth option. If it is confirmed after the Plan's Examination process then it should proceed as a genuine mixed use new community not as a detached housing expansion area. The confirmed availability of other Forestry Commission Scotland land closeby for employment use at Leanachan supports this concept. The suggested Dalvenie smelter area is closer to Fort William but dependent upon more significant A82 works that does not feature within the Government's 20 year trunk road investment programme. A satellite new community should also have a degree of physical separation from its "parent" settlement. The new settlement's scale also needs to be sufficient to offer a degree of sustainable self containment in terms of a mix of community, commercial and employment uses. The landscape impact of the development will be mitigated by most of the land being lower than and partially screened from the A82. Although the allocation comprises relatively good agricultural land this also means that the site preparation costs are significantly lower than within Fort William. These costs are the principal reason that Fort William's growth has been artificially held back by a lack of economic-to-develop land. National planning policy on housing asserts that planning authorities should identify a sufficient supply of effective housing land that can be delivered within the Plan period. The allocation boundary and intervening land/planting will ensure no significant adverse impact on the Category B listed Inverloch Castle. The Carver family land may have future development potential but the uncertainty over its release suggests it should be excluded at present. Its development would also be likely to have a more direct impact on the residential amenity of existing residents and on flood risk areas. The landowners of the allocated land have had initial but detailed discussions with the Trunk

Road Authority and appear to have negotiated an A82 improvement scheme that could satisfy the Authority. The land's distance from Fort William is a genuine sustainability issue and needs to be addressed via a developer requirement for enhanced public transport connectivity plus early delivery of local community and employment facilities. However, the area already benefits from a pedestrian/cycleway connection to Fort William. Phasing agreements will also be required to address the community's concern about rapid expansion upsetting the social balance of the existing housing areas.

The development boundary has been drawn widely to include all land that may be required as part of a viable mixed use new community. The Council has given no endorsement of the developer's master plan and believes it has shortcomings in terms of a lack of community facility and employment provision. It would therefore be appropriate for the developer to be invited to the Examination to offer its own opinion on what uses, layout, trunk road improvements and planning gain it is prepared to commit to. It is also The Highland Council's position that the new community concept should be tested against other expansion sites within Fort William given the current oversupply of housing land within the Plan. The severance issue could be addressed by grade separated crossing provision or by concentrating on employment uses south east of the A82. Protection or diversion of roadside services is a common feature of many development sites and not an insurmountable constraint. An active travel connection to Fort William already exists and a larger community would increase the feasibility of improving a public transport that already passes through the area. The public will have an adequate opportunity to express their opinions through the Examination process as will the Carver family in pursuing any alternative tourism development concept. Also, the B3 allocation has been drawn widely at the request of Forestry Commission Scotland given the initial nature of their proposals. However, it is likely that any built development would be grouped close to existing developments and where services exist.

Any Further Plan Changes Commended by THC

AMEND boundary to exclude minor area within 1 in 200 flood risk area. For MU9 ADD "protected species survey" to developer requirements and AMEND to state "Flood risk assessment will be required, built development to avoid flood risk area."

Reporter's Conclusions

MU9 'Torlundy': This local plan requires to conform generally to the Highland Structure Plan. While some local residents point out that there is an existing rural community at Torlundy, the local plan identifies the proposal as being for a mixed use "New Community" comprising some 300 new houses with a degree of self-containment in terms of employment and community facilities.

As such, I consider that the proposal requires to be assessed in the context of Policy H2 of the structure plan, which relates specifically to new settlements. While it gives support to proposals for establishing comprehensively planned new settlements in meeting future housing demand in the Inner Moray Firth area, it provides no support for such new settlements elsewhere, except for new crofting townships in fragile areas. It sets out a number of criteria for assessing any such proposed new settlements in the Inner Moray Firth area. While these may be used to assess other proposals, I am satisfied that a favourable assessment against the criteria would not make a proposed new settlement consistent with the structure plan if, as here, it was outwith the Inner Moray Firth area.

At the hearing in relation to this proposal, the Council confirmed that the site would not have been included in the local plan if it had been confident that the sites for housing

development in Fort William itself were available and deliverable. At the first hearing however it was established that the housing capacity of the other allocated sites in Fort William is well in excess of what is required by the structure plan. Each site has constraints and poses difficulties but, while there are no guarantees, none has been found to be unavailable or incapable of delivering housing completions within the plan period. While I have recommended the omission of three sites, that does not affect my conclusion that the land which is allocated for development in Fort William is capable of delivering the scale of new housing required, and is therefore both appropriate and sufficient. (See Issue 82)

In the absence of support from the structure plan for a new settlement at Torlundy, or of an over-riding need to augment the housing land supply to meet the needs of Fort William, I find limited justification for the inclusion of this proposal. I accept that the land itself may be readily developable for housing, and that there is a very good prospect that all 300 houses would be completed within the plan period. The development would add a distinctive element to the range and choice of housing in and around Fort William, and the occupiers of the new houses would enjoy the benefits of living in a high quality residential and within a dramatic rural landscape setting. The provision of an element of affordable housing could assist in attracting or retaining staff employed in the local tourist industry, while some workspaces could be provided.

However the dis-benefits would be considerable. Although the setting of the listed building at Inverloch Castle Hotel might be protected, the proposed development would represent a substantial urban intrusion into the Great Glen, and would be prominent in views from the A82, Ben Nevis and parts of Aonach Mor. Good design, layout and landscaping might mitigate, but would not remove, those impacts.

Despite comprising around 300 houses, the prospects of securing any significant degree of self-containment are poor. It would lack the scale which is necessary to justify the local provision of school, health or other public services, while trips to Fort William would be a constant feature of local life in order reach work destinations, shops, cafes, libraries, and the range of recreation, leisure and other facilities to be found in the town. It is unlikely that many of the residents who choose to live at Torlundy would also work there. The inclusion within the development of attractions for tourists would exacerbate the problems associated with vehicle turning on and off the trunk road.

Although around 19 buses pass Torlundy on the A82 each day and there is a dedicated footpath and cycleway from the edge of Fort William, the disadvantages of the site in relation to transport are considerable. The distance from the town is sufficient that most journeys would be made by car. This would involve turning manoeuvres across a de-restricted, bending section of the A82 trunk road. Whether or not further development would take place on the eastern side in future, those travelling by bus, foot or cycle would have to cross the trunk road at least once on each journey. A detailed transport assessment has not been undertaken, and there may be scope for secure some upgrading of the present access arrangements. However the potential safety implications both for new residents and for those travelling on the A82 are a significant disadvantage. There appears to be little prospect that the introduction of a new halt on the rail line would be justified by a development of this scale.

For all these reasons, I conclude that the proposed mixed use allocation MU9 'Torlundy' is inappropriate for inclusion in the local plan, and should be deleted.

B3 'Leanachan Forest': At the hearing it was confirmed that there is no functional connection between proposal B3 for Leanachan Forest and proposal MU9 for Torlundy. However Transport Scotland confirmed its opposition to development on the east side of the A82 at Torlundy which would be accessed from the trunk road, and it was also

confirmed that vehicular access is not permitted from that location through the forest tracks towards the Aonach Mor base station.

However, the junction with the A82 trunk road of the main access road to Aonach Mor is of a high standard. It serves the substantial numbers of visitors accessing the car parks at the base station for skiing, mountain biking, sight-seeing and other outdoor activities, but it also serves a small business park about half way along. This accommodates an auction mart, offices and a shop and café, with apparent scope for further building.

While this is a sensitive location, including as an area recognised for its red squirrel population and incorporating a Site of Special Scientific Interest, it is already one of the main focal points for visitors and tourism in Lochaber. It offers scope for further development which would enhance the year-round attractions of the destination for the benefit of the local economy. However, considerable care will be necessary to ensure that any development which occurs is compatible with its role as a tourist destination and with its environment.

For that reason I consider that the designation should be altered from 'business' which could imply support for any business or industrial uses in Use Classes 4, 5 or 6. Instead, the 'mixed use' designation would be more appropriate, with the acceptable uses being those associated with tourism and recreation and compatible with the principal role of Aonach Mor as a skiing and outdoor activities centre. The developer requirements should specify a transport assessment; a protected species survey, and the approval of a masterplan addressing site layout, the distribution of uses, access arrangements, natural heritage safeguards and mitigation, and a landscape strategy.

In addition, however the extending western leg of the allocation, leading along the forest tracks to the rail line, should be excluded from the allocated area. While the forest tracks and associated woodland area may be appropriate for outdoor recreation activities, built development would be inappropriate within this environment and likely to detract from those features which draw visitors to the area. The area to the east of the trunk road opposite Torlundy and on the eastern side of the narrow railway bridge may have some scope to accommodate development, but there is no evidence before me that a satisfactory access onto this de-restricted bending section of the trunk road can be obtained. Transport Scotland confirmed at the hearing that development which leads to intensification of the use of the existing junction would not be acceptable.

Reporter's Recommendations

1. Modify the plan by removing the mixed use allocation MU9 'Torlundy' from the proposals map, and deleting all references to it from the text of the plan.

2. Modify the plan in relation to proposal B3 'Leanachan Forest' by:

- Re-designating it as a mixed use proposal MU18;
- Deleting from the proposals map that part of the area which forms a leg extending westwards to the rail line, as shown on the attached plan;
- Specifying the acceptable uses as those associated with tourism and recreation and which are compatible with the principal role of Aonach Mor as a skiing and outdoor activities centre; and,
- Specifying the developer requirements as: a transport assessment; a protected species survey; and the approval of a masterplan addressing site layout, the distribution of uses, access arrangements, natural heritage safeguards and mitigation, and a landscape strategy.

Issue (ref and heading):	91. FORT WILLIAM EXPANSION SITES	Reporter: David Russell
Development plan reference:	Fort William - Allocation MU10 – Waterfront Text WS 62 – Map – LFM LO46	
Body or person(s) submitting a representation raising the issue (reference no.):		
C. MacDonald (71), C. J. MacKenzie (202), Scottish Environment Protection Agency (SEPA) (446), Highland & Islands Enterprise (HIE) (495) and Muir Smith Evans on behalf of Fort William Waterfront Ltd (941)		
Provision of the Development Plan to which the issue relates:	Expansion Area	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> • Objections to the development on the grounds of: coastal flood risk; the marina proposal not being feasible; adverse visual impact; adverse impact on the scheduled monument Fort, and; it would be better to refurbish retail units on the High Street and subsidise lower rentals as a method of promoting economic development. • The preferred joint venture bidder of the Waterfront site advises that it intends to submit a planning application in spring 2010 and objects unless the site is enclosed within the town centre commerce boundary and the boundary is extended to the south west to include enhanced marine access and potential related uses. • Highland & Islands Enterprise (HIE) want a more comprehensive design framework for the wider waterfront, an employment land/uses safeguard to meet unmet demand in Fort William because it is a sub-regional centre and enhanced marine access facilities. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • Those opposed to development seek the deletion of the site (implied). • Scottish Environment Protection Agency (SEPA) seek a flood risk assessment prior to the allocation being confirmed within the local plan. • Muir Smith Evans - extension of the town centre commerce boundary to enclose the site and its extension to the south west. • Highland & Islands Enterprise (HIE) seek a more comprehensive design framework, an employment uses safeguard and more enhanced marine access facilities. 		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u>: RETAIN ALLOCATION. AMEND commerce boundary and ADD employment land safeguard as detailed in commended changes below.</p> <p><u>Reasons</u>: The feasibility of the scheme will be for the market to decide in conjunction with public funding bodies but is not an overriding planning consideration. The Plan allocates land within the existing town centre for refurbishment and redevelopment but setting rental levels is outwith its scope. The site is allocated for mixed town centre uses so extension of the commerce boundary would be appropriate. Extension of the site is not appropriate given the uncertainty over the optimum location for enhanced marine access. The Council, Highland & Islands Enterprise (HIE) and the Crown Estate have commissioned further work to provide a wider waterfront design framework. Integration with the existing town centre is the principal design parameter for the allocation. Development of the site will attract an increased footfall to a wider town centre to the benefit of existing and new operators. The site's feasibility will ultimately be a decision for the market but its location is the optimum in</p>		

national retail planning policy terms. The previous exclusion of the Cromwell Fort from the allocation boundary and the textual reference to setting has addressed this heritage issue. The loss of a private view is not a material planning consideration.

In light of the evidence presented it is accepted that there is a potential deficiency in allocated employment land in Fort William. A change in the developer requirement wording will strengthen the safeguarding of potential land. However, to specifically delineate certain areas for business only, without the capital programme commitment from Highland & Islands Enterprise (HIE) to acquire and service these areas, would curtail the layout options of these mixed use expansion areas and may prejudice their development for other needed uses such as affordable housing.

Any Further Plan Changes Commended by THC

AMEND commerce boundary to include this site. AMEND Fort William allocations MU1, MU2, MU3, MU4, MU5, MU8, MU9, MU10, MU17 to ensure each area safeguards a minimum 15% of site area for employment uses as part of an early phase of development.

Reporter's Conclusions

At the hearing, Fort William Waterfront Ltd advised that it no longer requests that the plan should be modified by extending the area to be covered by site allocation MU10.

I note that the National Planning Framework confirms that "the redevelopment of Fort William's waterfront will substantially improve environmental quality and amenity in the town, helping to strengthen its role as a national centre for outdoor activities."

I accept that there will clearly be some loss of outlook for some occupiers of existing town centre properties, but such effects are unlikely to be significant or outweigh the substantial economic benefits for the town as a whole. The development also offers the potential for effective marine access to the heart of Fort William. The setting of the original fort will be affected, but can be mitigated if the layout and access take full account of its significance to the town (see also Issue 101). While re-alignment of the A82 is likely to be needed, the benefits of closely linking the new development with the existing town centre are likely to be considerable. However it should be noted that a modification is recommended for this site at Issue 101 which will introduce an additional developer requirement relating to any new junction onto the trunk road.

The provision of office space is likely to be integral to such a mixed use town centre development and business use is one of the specified acceptable uses. Further retail floorspace should enhance the overall role of Fort William town centre. The allocation also offers a realistic opportunity to provide substantial additional housing within the local plan period, including a significant proportion of affordable houses. This will widen the range of housing sites available in Fort William.

This proposal reflects the existing allocation contained in the adopted Lochaber Local Plan. Its implementation would involve the reclamation of land from the sea. It is clear that a flood risk assessment would be required, and also that it would be necessary to address in detail the implications of a specific scheme. The flood risk assessment would not simply relate to the site itself and the threat of inundation from the sea, but also the implications for surface water drainage, the existing town centre, the flow of existing watercourses, coastal erosion and tidal scouring elsewhere on Loch Linnhe.

The developer here is already contracted by the Council to carry out such an assessment

at an early date in relation to the proposed development. That will be more robust and effective than an assessment based simply on the boundary of the site allocation shown in the local plan. In the event of an unfavourable flood risk assessment, it is accepted that this would make the development both unviable and unacceptable. In these circumstances I find that this approach to the issue of flooding is appropriate and sufficient.

The Council confirmed at the hearing that if sites are allocated specifically for business and industry at Annat, Blar Mhor and Glen Nevis Business Park, as I have now recommended at Issues 82, 84 and 88, then it would not seek the early identification of 15% of this and other mixed use allocation sites for employment uses as an early phase of development.

I also agree that it would be appropriate for the commerce centre boundary, which at present delineates the existing town centre of Fort William, to be extended to incorporate the whole of the MU10 allocation as the proposed development is intended to secure an extension to the town centre.

Reporter's Recommendations

Modify the proposals map to include the whole of site allocation MU10 within the commerce centre boundary which currently covers Fort William town centre.

Issue (ref and heading):	92. FORT WILLIAM	Reporter: David Russell
Development plan reference:	Fort William - Allocations MU12 (BT depot/Police station) and MU13 (High Street "Backlands") Text WS 62-63 – Map LFM LO46	
Body or person(s) submitting a representation raising the issue (reference no.):		
C. MacDonald -MU12 (71), Telereal (BT Property) - MU12 (142), Scottish Court Service - MU12 (221), Grog & Gruel PH - MU13 (186), Mr & Mrs R. Cameron – MU13 (316)		
Provision of the Development Plan to which the issue relates:	Mixed Use Allocations	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> • MU12: Mr MacDonald disputes the appropriate future use of the site should relocation occur. BT Property say they have no intention to relocate or part relocate because the building and its contents are still operational. The Scottish Court Service (SCS) fear the loss of custody cells within any relocated police station and 2 related parking spaces. • MU13: The Grog and Gruel are concerned about the possible net detriment to their existing enterprise if redevelopment occurs - including the issues of storage, access, parking, turning and amenity. The Camerons are concerned about an ownership boundary and loss of residential amenity. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • MU12:Mr MacDonald feels the site would better be allocated for a 3 story multi-storey car park and flats for the elderly. BT imply a desire for removal of any BT relocation assumption. Scottish Court Service (SCS) seek a guarantee of replacement custody cell and parking provision. • MU13: The Grog and Gruel seek a net betterment to existing enterprises pre-condition to any redevelopment. The Camerons imply that they want the exclusion of their "Morar Dale" property from the allocation boundary and an advance consultation guarantee. 		
Summary of response (including reasons) by planning authority		
<u>Response(s)</u> : RETAIN ALLOCATIONS.		
<u>Reasons</u>		
<ul style="list-style-type: none"> • MU12: Subsequent local discussions have suggested that BT may be prepared to relocate their operation. Similarly any relocation would also have to address the needs of the police and courts service and negotiate with affected parties to achieve no net detriment. The existing policy allows for upper floors residential development subject to adequate parking provision. • MU13: Redevelopment will depend upon successful negotiation with affected parties which would centre around the principle of no net detriment in terms of access, parking and storage. 		
Any Further Plan Changes Commended by THC		
None.		

Reporter's Conclusions

MU12: This proposal does not reflect any current intentions of the owners and occupiers of the site to relocate, but I am satisfied that its inclusion in the plan is appropriate as the site would offer a significant town centre re-development opportunity which could be enhanced by land assembly. I recognise that the requirements of the Scottish Court Service for custody cells and parking would need to be met elsewhere, but that matter could be addressed as necessary when a specific proposal is brought forward.

MU13: Re-development of this site offers a useful opportunity to enhance the appearance and amenity of the town centre, as well as strengthening its commercial vitality and viability. It would appear to involve a number of different land ownerships. There may prove to be discrepancies between the boundaries shown on title deeds and the site boundary shown on the plan. However the inclusion of the proposal in the plan should encourage the necessary land assembly to be undertaken, or the co-operation of individual owners to be obtained, at an early stage to ensure that a viable development is brought forward which would also take account of existing interests. The statutory neighbour notification of planning applications would also safeguard the interests of neighbouring owners and occupiers.

Reporter's Recommendations

No modifications.

Issue (ref and heading):	93. FORT WILLIAM EXPANSION SITES	Reporter: David Russell
Development plan reference:	Fort William - Allocation MU16 – Claggan/Achintee Text WS 63 – Map LFM LO46	
Body or person(s) submitting a representation raising the issue (reference no.):		
<u>Objections</u> - B. Bellwood (172), I. Jackson (190), Nevis Partnership (260), R. I. Spence (294), Fort William Community Council (317), S. MacLennan (423), Brodies on behalf of Inverlochy Castle Ltd (748), Alcan Highland Estates (732)		
Provision of the Development Plan to which the issue relates:	Expansion Area	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> • Objections to development on the grounds of: adverse impact on natural heritage designations; the proposal is contrary to the Nevis Strategy; the site being rejected at the previous local plan inquiry; fluvial and pluvial flood risk; inadequate single track access capacity; poor ground conditions; inadequate A82 trunk road junction capacity; the proposal being contrary to the Adopted Lochaber Local Plan; loss of a (potential) parkland corridor; an inadequate area for holding surface water; light pollution in the "dark glen", and; impact on future of the Nevis Partnership as an organisation if one of its partners is prepared to promote such a harmful development. The reduction in the site's capacity is not sufficient to overcome concerns because the allocation will still: have serious impacts on heritage; be contrary to the Plan's objectives especially in terms of the setting of Fort William, Glen Nevis and Ben Nevis, and; the site is worse than other allocated alternatives. • The landowner seeks a larger site because: there are no crofting tenure restrictions; the site has easy land assembly; the owner has a good track record in terms of native woodland regeneration; the site was in site options draft of the Plan (Lochaber Futures), and; the landowner is prepared to accept phasing subject to traffic assessment. 		
Modifications sought by those submitting representations:		
Objectors seek deletion of site. Landowner seeks extension.		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u>: RETAIN ALLOCATION.</p> <p><u>Reasons</u>: The setting of the iconic Glen Nevis is recognized as a key development constraint. However, this entrance to the Glen is characterized by intensive, haphazard and urban development above the banks of the Nevis. Rounding the edge of existing development, on a smaller site than previously allocated, will provide a more certain and defensible boundary between Glen and urban area and will penetrate no further into the Glen than adjoining development. Surface water and ground conditions problems are not insurmountable and common to all alternative housing areas. The proposed landowner extended area is excessive in terms of road and landscape capacity.</p>		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
<p>It should be noted that, prior to the hearing, the agent for Inverlochy Castle Ltd confirmed that his client's representation in relation to this issue should be treated as withdrawn.</p> <p>In reaching my conclusions I have also taken into account the information I obtained at the</p>		

first hearing which addressed the alleged over-supply of land for housing development in Fort William (see Issue 82), as well as the hearing which addressed the specific merits of this site.

Subject to the modifications which I am recommending in relation to other sites, I am satisfied that the local plan will provide a generous supply of land which is capable of meeting the requirement set out in the structure plan for 2,000 houses to be built in Lochaber between 1997 and 2017. The rate of completions up until 2009 has been below the rate anticipated, particularly in Fort William. However the potential capacity of all the allocated sites will still be well in excess of requirements and, on the evidence provided, I am satisfied that these sites are all capable of becoming effective despite the range of constraints.

In that context, I consider that sufficient housing land for Fort William will be made available on the other allocated sites, and I have found that it is not appropriate in those circumstances to allocate site MU16 "Claggan/Achintee" for development, given the sensitive nature of its location.

I accept the advice of Scottish Natural Heritage that the development would not have a significant effect on the special area of conservation which extends close to the site. However, the envisaged development of over 90 houses would represent an obtrusive urban development which would extend Fort William into Glen Nevis, on land which forms part of a National Scenic Area. It would be prominent in the view of those returning down the road which leads into the glen, and also for those accessing the glen and the Ben by the road on the opposite side of the river.

The development would also extend the town beyond the pylons and overhead electricity wires which connect to the smelter to the north-east. Glen Nevis has been recognised as one of Scotland's "Dark Skies" locations and, in that context, the further intrusion of house and street lighting would be undesirable.

The existing road which leads into the glen is single track with passing places. It is inadequate to serve such a housing development. The suggestion that the developer would be required only to provide additional passing places would be unsatisfactory, particularly as the only footpath is rough, runs along the river bank and does not extend as far as the site. The alternative of providing a two way road with an adjoining footway would have an adverse effect on the wooded riverbank.

Overall, I consider that the proposed development would appear as an intrusive satellite suburban estate, incongruously located in a highly sensitive location where the scenic qualities have been recognised by a national designation. Both Ben Nevis and Glen Nevis are iconic features which contribute greatly to Fort William's attraction as a tourist destination generally and as a focus for outdoor recreation in particular. The proposed development would erode the National Scenic Area, and by extending the town further into Glen Nevis, would impinge on the setting of the Ben. Therefore, as sufficient suitable sites elsewhere in Fort William are available and capable of meeting its current housing requirements, I conclude that it would not be appropriate to allocate this site for development.

Reporter's Recommendations

Modify the plan by deleting site allocation MU16 from both the proposals map and the text of the plan.

Issue (ref and heading):	94. FORT WILLIAM EXPANSION SITES	Reporter: David Russell
Development plan reference:	Fort William - Allocation MU17 - Upper Achintore Text WS 63-64 – Map LFM LO46	
Body or person(s) submitting a representation raising the issue (reference no.):		
A. Cumming (68), R. Burgess (70), A. Kirk (148), M. McCann (203), V. & J. Rose (700), Brodies on behalf of Inverloch Castle Ltd (748), Highland & Islands Enterprise (HIE) (495)		
Provision of the Development Plan to which the issue relates:	Expansion Area	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> • Objection to development on grounds of: loss of rural character; loss of rural footpath to phone mast; loss of woodland and habitat; noise pollution; need for traffic management close to primary school; fear of local roads being used at "rat-runs"; shop proposal not being viable; inadequate water and sewerage capacity; inadequate supporting community/commercial facilities; traffic congestion on Lochaber Road and at West End roundabout; difficult land assembly; contamination; poor ground conditions; the need to safeguard or divert underground services; climatic exposure and elevation; better lower lying alternatives; high development costs, pluvial flooding, the map doesn't show connecting footpaths and is therefore misleading about the impact of neighbouring access, and, loss of privacy and daylight. • HIE want a specific employment land allocation on this site because the lack of sites is constraining the area's economic growth. There is little spare capacity in allocated business sites - i.e. site B1 has a single operator, site B2 is earmarked for a specific tourism use, B3 is for tourism, B4 more likely for tourism and B5 for retail - so only 11.4 ha of allocated land is genuinely available for business use which is insufficient for a sub-regional centre such as Fort William. Government guidance requires a 5 year supply of marketable employment land. The Council has given no justification for changes from previous plans. HIE has a proven track record of acquiring and servicing sites. Highland & Islands Enterprise (HIE) provides evidence of recent and existing unmet demand. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • Majority request deletion of site (implied). • Highland & Islands Enterprise (HIE) wants a specific business allocation within initial phases of 0.5-1 ha close to other community facilities. 		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u>: RETAIN ALLOCATION but see commended employment land safeguard change below.</p> <p><u>Reasons</u>: A planning consent has been granted for the first phase of the site. There is neither an intention to close any strategic footpaths nor to promote a net loss in tree/woodland cover. The allocation is an extension of a densely developed urban area and therefore the land does not have a rural character at present. Traffic management issues will arise and a transport assessment is suggested to better define developer requirements. Net betterment should be the aim for surface water drainage given the gradient issues, size of the allocation and existing problems. The Council will not support an adopted connection</p>		

to Heathercroft and this connection is already gated. The viability of a local shop is a commercial decision but the Council can play a justifiable role in safeguarding land for this purpose and for other employment uses. In light of the evidence presented it is accepted that there is a potential deficiency in allocated employment land in Fort William. A change in the developer requirement wording will strengthen the safeguarding of potential land. However, to specifically delineate certain areas for business only, without the capital programme commitment from Highland & Islands Enterprise (HIE) to acquire and service these areas, would curtail the layout options of these mixed use expansion areas and may prejudice their development for other needed uses such as affordable housing. Land close to the Angus Centre may be suitable for a new primary school but this will be dependent upon future decisions of the Council's Education Culture and Sport Committee. Land assembly, servicing and other constraints will all ensure a phased development of the wider allocation. There are no known contamination issues affecting the site but any concerns with this or underground services will be revealed by detailed feasibility work associated with the planning application process. The other concerns of neighbours are addressed by existing developer requirements.

Any Further Plan Changes Commended by THC

AMEND Fort William allocations MU1, MU2, MU3, MU4, MU5, MU8, MU9, MU10, Mu17 to ensure each area safeguards a minimum of 15% of site area for employment uses as part of an early phase of development.

Reporter's Conclusions

At the hearing it was confirmed that this area is already allocated for development in the adopted Lochaber Local Plan. It is identified for housing development, also with an indicative capacity of 300 houses.

It was also confirmed that part of this site is currently under construction at Heathercroft, to provide 48 affordable houses and the first phase of the new distributor road. Highlands and Islands Enterprise confirmed that it is in the process of purchasing a site adjacent to the Aonghas Centre in order to provide small workspaces.

In these circumstances, although there are difficult ground conditions on parts of the site and the water supply infrastructure is likely to require upgrading, I am satisfied that the proposal in the local plan is appropriate. The site is already effective, at least in part, although I accept that the likely rate of development is uncertain. Some loss of amenity will inevitably be experienced by some of the existing residents in Upper Achintore, but I consider that the developer requirements set out in the plan provide appropriate safeguards.

The Council confirmed that, if land was specifically allocated for business and industrial uses at Annat Point, Blar Mhor and Glen Nevis Business Park, as I have now recommended at Issues 82, 84 and 88, it would no longer seek as a developer requirement on this site, the allocation of 15% of the area for employment uses in an early phase of the development.

In that context, and in view of the progress made by Highlands and Islands Enterprise in the acquisition of a site for the provision of business spaces, it agreed at the hearing that a specific allocation of part of this site for employment uses would not be necessary.

Reporter's Recommendations

No modification.

Issue (ref and heading):	95. PORTREE	Reporter: Douglas G Hope
Development plan reference:	Portree SDA, General Comments, H2 Woodpark, H3 Home Farm, H4 Kiltaraglen (West), H5 Kiltaraglen (East), LT Shullishadder, MU2 Former Co-op & Woolen Mill, MU3 Bayfield Text WS 66-70 – Map LFM SL136	
Body or person(s) submitting a representation raising the issue (reference no.):		
GL Hearn on behalf of Co-op (Commerce Centre) 515, Portree Community Council (General Comments) 138, Muir Smith Evans on behalf of Co-op (H2) 941, J. H. MacDonald (C1, LT) 438, J. Matheson (H4) 162, M. MacPherson (H4 & H5) 703, M. & K. Allen (MU2) 325, J. & L. MacDonald (MU3) 146, A. Williams (MU3) 192, J. C. Nicolson (MU3) 707, W. Nicolson (MU3) 708, Scottish Environment Protection Agency (SEPA) Mixed Use 3, Mixed Use 5 (MU3, MU5) 446		
Provision of the Development Plan to which the issue relates:	Commerce Centre, General Comments & Allocations H2 (Woodpark), C1 (Home Farm), LT (Shullishadder), H4 (Kiltaraglen (West)), H5 (Kiltaraglen (East)), MU2 (Former Co-op & Woolen Mill), MU3 (Bayfield), MU5 (Harbour)	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> • GL Hearn on behalf of Co-op (<u>Commerce Centre</u>): Objects to the 2 commerce centres which have been identified as not having a clear hierarchy and function and a concern that they will conflict with each other. Concern about large scale retail development at Dunvegan Road. It disputes the justification for the Council's approach. • Portree Community Council (<u>General Comments</u>): Is concerned about the effects of a digester waste plant and highlight the need for a decentralised bus garage. • Muir Smith Evans on behalf of Co-op (<u>H2</u>): Objection to northern section of site, which is in Co-op ownership. Believes there are other better, allocated housing site alternatives. Retail development would be more appropriate because the land is within the commerce boundary, would allow for a varied retail land supply and will help consolidate this commerce centre. • J. H. MacDonald (<u>C1, LT</u>): Objects to the long term designation because: he is the owner of land with a current consent; he disputes the need for an access reservation; he queries whether the LT site will ever be developed, and; there are other better access routes. He wants a more positive allocation of C1 for guaranteed public open space because of the potential to extend the existing footpath network and the need for more greenspace within village. • J. Matheson (<u>H4</u>): Objects on basis of: loss of good croft / agricultural land which is used for lambing and winter silage; title restriction on adjoining land that prevents development; loss of winter sledging land; better and adequate land allocated elsewhere, and; there is a waiting list for new crofts. • M. MacPherson (<u>H4 & H5</u>): Objects to loss of good grazing land and fears an adverse impact from vacant private properties. • M. & K. Allen (<u>MU2</u>): Object to any further bulky goods retail and want a guarantee that there will be no adverse impact on their access. • J. & L. MacDonald (<u>MU3</u>): Object to allocation (in particular, that part south west of River Leasgeary) because of: loss of locally scarce greenspace; loss of natural heritage value; lack of housing demand; inadequate jobs and supporting infrastructure networks; their son's medical condition which requires peace, quiet and privacy; loss 		

of private view; the fact that the river/bay front could better be developed as a promenade.

- A. Williams (MU3): Objects to the loss of the Green gap site because of the adverse impact on his property, the loss of one of the principal tourist vistas of the Cuillin and the loss of scarce village greenspace. Believes that the wider site's development for Tesco would have an adverse impact on village centre shopping and Bayfield parking.
- J. C. Nicolson (MU3): Objects to the land south west of the River Leasgeary because of: landslide risk; river erosion; the loss of salt marsh habitat; the loss of locally scarce greenspace; adverse visual impact, and; inadequate demand.
- W. Nicolson (MU3): Objects to the land south west of the River Leasgeary because of landslide risk and the loss of greenspace.
- Scottish Environment Protection Agency (SEPA) (MU3, MU5): Objects to sites because they are within or partly within the 1 in 200 year fluvial and coastal flood risk areas.

Modifications sought by those submitting representations:

- GL Hearn on behalf of Co-op (Commerce Centre): A more robust justification for the Dunvegan Road commerce centre and (implied) a reduction in the boundary to exclude potential retail sites.
- Portree Community Council (General Comments): Deletion of energy from waste proposal on allocation I and formal identification of a site for bus parking and garage (implied).
- Muir Smith Evans on behalf of Co-op (H2): Want site re-allocated for retail or mixed use including retail.
- J. H. MacDonald (C1, LT) - Deletion of that part of LT site that affects his current consent (implied) and C1 - stronger developer requirements guarantee of public open space provision (implied).
- J. Matheson (H4) - Deletion of allocation and associated link road.
- M. MacPherson (H4 & H5) - Deletion of sites (implied).
- M. & K. Allen (MU2) - Deletion of reference to bulky goods retail and better guarantee of access preservation.
- J. & L. MacDonald (MU3) - Deletion of allocation (implied).
- Williams (MU3) - Exclusion of Green gap site from allocation and no retail use (implied).
- J. C. Nicolson (MU3) - Deletion of site south-west of Leasgeary (implied)
- W. Nicolson (MU3) - Deletion of site south-west of Leasgeary (implied)
- Scottish Environment Protection Agency (SEPA), (MU3, MU5) - Deletion of sites or pre-confirmation flood risk assessment.

Summary of response (including reasons) by planning authority

Response(s)

- Commerce Centres: AMEND Dunvegan Road Commerce Centre as detailed in commended change below.
- General Comments: NO CHANGE.
- H1: RETAIN ALLOCATION.
- H2: RETAIN ALLOCATION.
- C1: RETAIN ALLOCATION.
- LT: RETAIN ALLOCATION.
- H4: RETAIN ALLOCATION.
- H5: RETAIN ALLOCATION.
- MU2: RETAIN ALLOCATION.

- MU3 & MU5: RETAIN ALLOCATION

Reasons

Commerce Centres: A more definitive village centre boundary has been incorporated. There have been recent supermarket consents granted at Dunvegan Road and therefore an amended boundary is appropriate to enclose the consented areas. The changing hierarchy within Portree reflects these recent planning application and non call-in decisions.

General Comments: The bus operator has a planning consent to move to the industrial estate and some long stay parking will be available there. The clarification of the type of waste facility at allocation I and further consultation should allay any potential concerns. The site is separate from the community and already accommodates a recently closed landfill area. It may also provide a sustainable source of cheaper local heating.

H2: The site is constrained in terms of access and would function best in land use terms if developed in conjunction with adjoining land to the south. Residential development would be most appropriate given the pattern and character of existing uses across the wider site.

C1: A fuller explanation of the Home Farm planning consent details have been added for clarification which includes details of supporting infrastructure, greenspace and community use. The Upper Leasgeary Corridor is not an existing cherished area of greenspace and therefore a community allocation to promote the creation of such an area is more appropriate.

LT: The safeguard is for a proper planning purpose and the alternative route suggestions are less direct and therefore more expensive, and/or suffer from similar constraints. Formal blight procedures are available to the representor.

H4: The land is required to complete the Portree Link Road connection to Staffin Road. Considerable private and public finance has already been invested in the project which is substantially complete. The landowner's opposition is noted but the agricultural value of the land is not significant compared to the benefits of the road's completion. The land is allocated for housing as a natural infill site compatible with adjacent uses and to provide a financial incentive to attract private finance to fund the completion of the link but it is accepted that it will not provide an essential contribution to the Plan's effective housing land supply. Compulsory purchase powers may be required to complete the link which is essential to provide improved connectivity and accessibility within the settlement and to relieve pressure on the lower section of Staffin Road/Mill Road/Bosville Terrace which has severe alignment and width constraints.

H5: The site has already been reduced to exclude the area of ancient woodland and is of very limited agricultural value. It's allocation is also important to provide an adjacent development value incentive to the private sector to finance and construct a suitable connection between the Link Road and Staffin Road.

MU2: The needs of the existing and integral residential property are already addressed by a specific developer requirement. The site is suitable for bulky goods retail given the pattern of existing and surrounding uses, its size and accessibility, and its location on the strategic road network.

MU3 & MU5: The road around the Lump and the harbour redevelopment are interdependent and would most likely be developed, financed and assessed together. The west side of the river below Bridge Road does not function as useable public open space. The saltmarsh issue is already addressed in the developer requirement Plan wording.

Portree is the island capital and principal centre for employment, community and other supporting services and facilities. The land is overlooked by surrounding development rather than vice versa. The land is suitable for retail activity of a scale appropriate to its constraints and the degree to which they can be rectified. Important public views should be maintained and the open vista from the Green is already referenced in the developer requirements. The steepest land is unlikely to be developable. Existing private parking provision is unlikely to be affected and there should be no net loss of public parking provision. Private views are not a material planning consideration. A recent consent, which may be taken up by Tesco, has been granted elsewhere in the village.

Any Further Plan Changes Commended by THC

SDA, Commerce centres: AMEND Portree Inset Map Dunvegan Road commerce centre boundary to include area consented to Oatridge.

General Comments: None.

H2: None.

C1/LT: None.

H4: None.

H5: None.

MU2: None.

MU3 & MU5: None.

Reporter's Conclusions

Commerce Centres: Portree town centre is classified as a Sub-Regional Town Centre in the local plan. Dunvegan Road is classified as an Urban District Centre with a similar function/role. In response to representations received, the Council has commended that the boundary of the Dunvegan Road Commerce Centre be amended to include the site of the food retail development granted outline planning permission in January 2009 (the Oatridge site). However, since outline planning permission was granted, no detailed proposals have come forward and there is some doubt as to whether the planning permission will be implemented within the foreseeable future. The planning permission is heavily conditioned, including the requirement for access from the industrial estate to the rear. At the hearing held in Portree, it was also confirmed that the planning application by Lidl to develop the Ewen Macrae Ltd garage site and adjoining land was withdrawn in April 2009 prior to a formal consent being issued (a decision to grant planning permission subject to a Section 75 Agreement to establish and safeguard the required trunk road visibility splays was made by the Council in June 2008). The precise reason for the withdrawal of the planning application is not known but there had been no progress in concluding the required Section 75 Agreement. There were also contamination issues with the site that required to be resolved.

At the present time, the Co-op Store opened in 2002, is the only food retail use within the proposed Dunvegan Road Commerce Centre. A builders' merchants, the site of the Oatridge planning permission, lies to the north of the Co-op Store. The area to the south of the new Home Farm distributor road is allocated for housing development (H2), to the south of which lies Ewen Macrae Ltd's garage. Opposite the garage, the area allocated MU2 comprises the former Co-op Store, occupied by a wholesale joiners (there is a prohibition on the premises being used for food retailing); an agricultural suppliers and a vacant woollen mill. Other business premises stretch to the north and south of the proposed Commerce Boundary; a Royal Mail depot to the north, a car showroom, offices and builders' suppliers to the south.

Government Planning Policy indicates that development plans should identify a network of

centres and explain the role of each centre in the network. Depending on the particular circumstances, this network is likely to include town centres, commercial centres and other local centres. Commercial centres tend to have a more specific focus on retailing than town centres and may include out-of-centre shopping centres, retail parks and factory outlet centres. Such a hierarchy of centres forms the basis for applying the sequential approach to selecting locations for new retail developments.

In the case of Portree, I have difficulty in determining where the Dunvegan Road Commerce Centre would fit into this hierarchy. Whilst there is a string of commercial and business uses, interspersed by housing, along Dunvegan Road, it is not an established commercial centre and neither does it perform the function of a local centre. I consider that the proposed designations, which identify both the town centre and Dunvegan Road as being appropriate for mixed uses, convenience and comparison shopping, would be a source of conflict and confusion as to where the focus for commercial development lies. In this context, I am very conscious of the priority the local plan attaches to the regeneration of the Bayfield area.

I am aware that the Home Farm area, which is connected directly with Dunvegan Road, is the town's principal expansion area and that the town centre suffers from a number of constraints which militate against the further development of large scale retailing in the town centre. However, there are established Government and Structure Plan policies for dealing with retailing proposals outwith town centres and, in this local plan, policy 17 sets out the framework for dealing with out of town centre retailing proposals to ensure that the impact of a proposed development, including any cumulative impact, does not have an adverse effect on the vitality and viability of the town centre.

I have noted the Council's concern that, should the Dunvegan Road Commerce Centre be removed, there would be no guide as to where further retail development outwith the town centre should be directed and other more sensitive areas might come under pressure from retail developers. However, I am not convinced by this argument. Policies 1 (together with structure plan policy G2) and 17 would continue to provide the framework for the assessment of any retail developments that could not be accommodated within the town centre. They would protect existing community and residential amenity, including open spaces, and direct new development to locations that are accessible by public transport, walking and cycling.

The removal of the Commerce Centre from Dunvegan Road would not prejudice the implementation of the extant planning permission for food retail development that exists for the site to the north of the Co-op Store (the Oatridge site). Neither would it prejudice the redevelopment of site MU2 for business, housing and/or retail uses. Any future proposals (retail or otherwise) for the Ewen Macrae Ltd garage site would require to be judged against the relevant structure and local plan policies in a similar way to the previous planning application.

Finally, I have given consideration to the allocations proposed for the Oatridge site, in view of the granting of planning permission for food retail development. In this respect, I note that there are no objections to the allocation of this site for business (B2) and industrial (I2) use in the local plan. In view of this and the uncertainty over the implementation of the planning permission, on balance, I consider that it would not be appropriate to remove these allocations at this time.

General Comments: In relation to the community Council's concerns regarding the central location of the bus garage and the parking of buses/coaches in the town centre, the bus operator has planning consent to move to the industrial estate. Allocation I2 indicates that bus/coach garaging/parking is an acceptable use within this area and no useful purpose

would be served by allocating a specific site for a bus/coach garage/parking area. As regards the preference for a digester plant for converting waste into energy rather than an incinerator, allocation I1 does not specify either method, simply referring to an “Energy from Waste” facility. It would be inappropriate for the local plan to be any more specific until a full investigation has been carried out of the possible alternative methods available and full consultation has been carried out.

H2: The specific objection to the inclusion of the northern section of this site within allocation H2 and the request that the housing allocation be replaced by an allocation for retail use has been withdrawn. In relation to the development of this site for housing, the Scottish Environment Protection Agency has requested that the boundary of the site be modified to exclude the medium to high flood risk areas and a developer requirement added “Flood Risk assessment will be required, built development to avoid flood risk area” (see Issue 101). In relation to the rationalisation of the accesses to the trunk road, there is a presumption against creating new accesses onto trunk roads, as set out at Issue 111 in relation to General Policy 10, and those promoting new development proposals are required to justify setting aside this presumption if it is found that a new access is necessary.

C1: The boundaries of allocation C1 north of allocation H3 should better reflect the alignment of the new distributor road and the proposed housing on the north side of this road as shown on the planning permission for the development of this area (ref. no. 05/00116/FULSL). The area not proposed for housing has been planted and landscaped and should be identified as open space on the local plan. The area to the south of the distributor road and east of the Leasgeary River, which is proposed open space for community use, has not yet been developed as open space and should remain as allocation C1 to reflect the proposed uses for this area. The Scottish Environment Protection Agency has requested that an additional developer requirement should apply to the allocation of this area for community uses in its representations in respect of flood risk (see Issue 101).

LT: A considerable amount of land, yet to be developed, is allocated for housing elsewhere in Portree and there is scope for housing on a number of other mixed use sites. The land at Shullishadder is not required for development during the lifetime of this local plan. This area is allocated within the adopted Skye and Lochalsh Local Plan 1999 for housing and the possible relocation of the secondary school. I consider that it would be prudent to continue to identify this area for possible long-term development in order to prevent piecemeal development that might prejudice future access/layout options. I note that outline planning permission was granted in November 2005 for the erection of 3 houses on a small part of the site immediately to the south of the road leading to the hostel, across which the preferred access to any long term development at Shullishadder is routed. This planning permission has not yet been implemented and the detailed layout for any development of this small site, involving the reservation of an access corridor, is not a matter for this local plan.

H4: Part of this site is required to complete the distributor road linking Dunvegan Road and Staffin Road in order to improve accessibility within Portree and relieve pressure on the lower section of Staffin Road, which has severe alignment and width constraints. The land to the south of the proposed distributor road forms a natural infill site for housing.

H5: A small part of this site is required for the possible realignment of Staffin Road on completion of the Portree Link Road and the rest of the site has been allocated to provide a development value incentive to finance this realignment. The site comprises uncultivated rough scrubland bordered by some wooded areas classified as Ancient Woodland. Although the site is of limited agricultural value, it is an attractive area on the approach to

Portree from Staffin, visually prominent and sensitive to development. I consider that the justification for the allocation of this site for housing in this local plan is unconvincing, bearing in mind the capacity of other sites and the anticipated housing completion rate.

MU2: The developer requirements for this site, which includes the former Woollen Mill, require any proposed redevelopment to be accessed from Struan Road. The acceptable uses would be business, housing & retail. Any detailed proposal for the redevelopment of the Woollen Mill would require to be assessed in terms of traffic generation and impact on adjoining residential properties. Whether or not a bulky goods retail use would be acceptable would be a matter for detailed consideration at the planning application stage.

MU3: The representations submitted in relation to this allocation raise specific concerns regarding the impact of the proposal development of the Bayfield area, which is identified for retail, business and housing uses as well as public parking, open space and the enhancement of the salt-marsh area. The developer requirements address the concerns raised in highlighting that the area south (west) of the River Leasgeary would be retained as greenspace with an enhanced footpath network; any loss of salt marsh would be minimised; important public views and the open vista from the Green would be maintained; and the steepest land is unlikely to be developable. Any building development would require to be of exceptional design quality. The details of any access from the A87 Bridge Road area would be a matter for further detailed consideration.

MU3 & MU5: SEPA has intimated in relation to its objection to the wording of policy 9: Flood Risk, that it would withdraw its objection to specific site allocations MU3 & MU5 if policy 9 is amended to indicate that development proposals within or bordering medium to high flood risk areas will need to demonstrate compliance with Scottish Planning Policy through the submission of a Flood Risk Assessment. The Council has agreed to this amendment (see Issue 110). In addition, SEPA has requested that a specific developer requirement be added to allocations where there is a medium to high flood risk indicating that "Flood Risk Assessment will be required, built development to avoid flood risk area. Only water-related or harbour uses would be acceptable within flood risk areas." I agree with the suggested wording of the additional developer requirement.

Reporter's Recommendations

Commerce Centres: Delete Portree (Dunvegan Road) Commerce Centre boundary from Inset SL136 and reference to Portree (Dunvegan Road) Urban District Centre in policy 17.

General Comments: No modifications.

H2: No modification to allocation. Add developer requirements "Flood risk assessment will be required, built development to avoid flood risk area" and "Justification for setting aside presumption against creating new junction onto trunk road if it is found to be necessary".

C1: Modify boundary of area to north of new distributor road to reflect that shown on planning permission ref. no. 05/00116/FULSL and re-allocate as open space. Retain allocation C1 on area to south of distributor road and east of Leasgeary River. Add developer requirement "Flood risk assessment will be required, built development to avoid flood risk area" as recommended in relation to Issue 101: Flood Risk.

LT: No modification.

H4: No modification.

H5: Delete allocation.

MU2: No modification.

MU3 & MU5: Add developer requirement "Flood Risk Assessment will be required, built development to avoid flood risk area. Only water-related or harbour uses would be acceptable within flood risk areas."

Issue (ref and heading):	96. BROADFORD	Reporter: Douglas G Hope
Development plan reference:	Broadford Commerce Boundary, Glen Road Developments AH (Blackpark), C1 (West of school), H1 (Glen Road), MU3 (Glen Road (North), H3 (East of Caberfeidh), MU5 (Airstrip) Text WS 71-73 – Map LFM SL 138 (a) and (b)	
Body or person(s) submitting a representation raising the issue (reference no.):		
<ul style="list-style-type: none"> • <u>Commerce boundary</u>: G. L. Hearn on behalf of the Co-op (515) • <u>Glen Road Developments</u> AH, C1, H1 & MU3: D. & C. Gould (520) • <u>H3</u>: A. MacLeod (453) • <u>MU5</u> - SNH (697) 		
Provision of the Development Plan to which the issue relates:	Commerce Boundary, AH, C1, H1, H3, MU3, MU5 Allocations	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> • <u>Commerce boundary</u>: Objection to inconsistent references to Broadford as "Area" and "Sub Area Centre". Disputes whether there is any spare retail expenditure given recent planning consents on Skye and suggests there should be no food retail allocations or mixed use sites that allow food retail in Broadford. • <u>Glen Road Developments</u> (AH, C1, H1 & MU3): Objection to any further development because: the related planning consent transport assessment was flawed; development will lead to increased traffic on Bayview Crescent which will compromise safety; infill plots should be developed first before the rest of H1 is developed; of inadequate capacity in supporting infrastructure; of the inadequate capacity of Glen Road; of the "rat run" problem on Bayview Crescent which compromises safety, and; of inadequate water and sewerage capacity. • <u>H3</u>: Landowner seeks extension of housing allocation to southern limit of Settlement Development Area (SDA) as this is suitable ground for development because: it is of poor agricultural quality; access is feasible; it is within the SDA; service networks are available closeby; it is linked to a good junction with the A87 trunk road, and; it is central to the village and is therefore sustainable. • <u>MU5</u> – Scottish Natural Heritage (SNH) request that for sites where particular development proposals could have a significant adverse impact on Natura sites, that such developments be precluded by the terms of the policy. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • <u>Commerce boundary</u>: Clarification that no further food retail developments will be supported within Broadford. • <u>Glen Road Developments</u> (AH, C1, H1 & MU3): Stipulation that no more development will be consented, accessed off Glen Road, until Bayview Crescent has been completed (implied that this means development of remaining infill plots and associated improvement and adoption of road). • <u>H3</u>: Specific allocation for land to south of H3. • <u>MU5</u>: Request suitable reference to make development dependent upon effect on nearby Natura site and its seal interest. 		
Summary of response (including reasons) by planning authority		
<u>Response(s)</u>		
<ul style="list-style-type: none"> • <u>Commerce boundary</u>: RETAIN. See below re detail of commended changes to related general policy and retail allocation. • <u>Glen Road Developments</u> (AH, C1, H1 & MU3): RETAIN ALLOCATIONS. • <u>H3</u>: RETAIN ALLOCATION and reject suggested extension. 		

- MU5 - RETAIN ALLOCATION but add stronger appropriate assessment dependency as detailed in commended changes below

Reasons

- Commerce boundary: The Plan should not be used to prevent commercial competition between retail sites within Broadford's central core. However, given recent food retail consents in Broadford and Portree it is appropriate to allow more market and use flexibility for the site south of the library.
- Glen Road Developments (AH, C1, H1 & MU3): In terms of Bayview Crescent, the Council has offered a reasonable compromise to the affected parties to close off the junction at the Elgol Road, to design and progress the road adoption, and to fund a third of the construction costs. Lochalsh and Skye Housing Association have also funded the tie-in to Glen Road. The lack of water supply will control the rate of expansion of the site. The alleged misuse of the roundabout is a police not a planning matter. The A87 junction capacity constraint is recognised and therefore a secondary access to the Elgol Road is a requirement. A large part of the site benefits from an extant planning permission. The improvement of Bayview Crescent is desirable but is not an essential pre-requisite for the development of the remainder of the Glen Road sites.
- H3: A further extension of the site is not required given the availability of adequate and more central alternatives. The suggested land falls within the SDA and is therefore well placed for crofting pattern development in this Plan period or for consideration as an allocation in the next period.
- MU5: Plan amendments have already been made to address heritage factors such as the exclusion of the shoreline SSSI from the site boundary but a further appropriate assessment dependency should be added to address the potential effect on the nearby seal interest.

Any Further Plan Changes Commended by THC

- Commerce boundary: DELETE "Sub" from "Sub Area" in GP17. AMEND allocation "R" to be mixed use with acceptable uses "retail, business, housing, community."
- Glen Road Developments (AH, C1, H1 & MU3): None.
- H3: None
- MU5 - ADD sentence to developer requirements box "Proposals will only be supported if developers can demonstrate no adverse effect on the integrity of the adjoining Natura site."

Reporter's Conclusions

Commerce boundary: There is no dispute over the boundary of the commerce centre for Broadford. In response to the representations made by the Co-operative Group, the Council has commended the change of the Sub-Area/Local Centre designation in policy 17 to Area/Local Centre. Broadford is one such Area/Local Centre. The hearing held in Kyle of Lochalsh examined the representation from the Co-operative Group that no food retail sites or mixed use sites that allow food retailing should be allocated in Broadford. The Council has proposed that allocation R should be amended to a mixed use site with acceptable uses "retail, business, housing, community". Allocation MU3 has acceptable uses "retail and community".

The Council considers that Broadford is best placed of the three centres in Skye and Lochalsh (Portree, Kyle & Broadford) to accommodate more commercial development in terms of its centrality and availability of relatively less constrained development sites. Site R was formerly allocated for retail use but the Council is commending a change to broaden the list of acceptable uses because of recent retail permissions at Portree and the now implemented expansion of the Broadford Co-op. The Council considers that if the retail

permissions at Broadford are implemented, they should absorb any spare convenience retail capacity across Skye and Lochalsh. Nevertheless, the advantages of trunk road visibility and central location within Broadford may justify a non-food retail warehouse or similar commercial use on site R. Evidence from the Portree hearing suggests that there is some uncertainty as to whether either of the two retail developments proposed for Dunvegan Road, Portree will be implemented in the foreseeable future. If they are not, the Council considers that Broadford would be a possible alternative location for further retail development. Nevertheless, Portree is identified as the Sub-Regional Centre and, consequently, would be the more appropriate location for retail development that serves the whole of Skye and Lochalsh.

Site MU3 is allocated in the adopted local Plan for a new food retail store, a requirement that has been satisfied by the development of the Co-op Store. In this local plan, the proposed uses are retail and community. Site MU3 forms part of the wider development of housing (sites H1 and AH) and community uses (site C1) proposed for the Glen Road area. At the hearing, the Council suggested that this site might be appropriate for a replacement village hall, the existing hall having poor access and inadequate parking. Any retail development is likely to be small scale, the larger commercial enterprises preferring a main road frontage with passing traffic. Site MU3 is situated within the proposed commerce centre where policy 17 encourages retail development and I find no basis for the deletion of food retail as an acceptable use within this site. Policy R2 of the Highland Structure Plan 2001 encourages retail development that enhances local provision but indicates that proposals which potentially undermine such provision will not normally be permitted. Policy R4 indicates that where major foodstore proposals are adjudged to pose a potential risk to the vitality and viability of existing services, the development should not be permitted. These policies provide adequate protection for the existing village centre.

The front portion of site R is allocated in the adopted local Plan for retail/commercial development. The majority of the site, together with an area south of Riverbank is allocated for housing in the adopted local plan. The area south of Riverbank is also allocated for housing in the Deposit Draft Local Plan 2007 but is not included in the Deposit Draft Local Plan 2008 because of concerns over flood risk. The Scottish Environment Protection Agency has also requested that the southern boundary of site R be modified to exclude the medium to high flood risk areas and a developer requirement added "Flood Risk assessment will be required, built development to avoid flood risk area" (see Issue 101).

Whilst the front portion of site R is at road level (and there is some evidence of land filling), the rear portion is at a much lower level. In these circumstances, I consider that it would not be appropriate to include the area that projects beyond the southern boundary of Riverbank within site R. As regards the acceptable uses for the site, the immediately surrounding area comprises a mix of commercial, business, housing and community uses and such uses would be appropriate on site R. Site R is situated within the proposed commerce centre where policy 17 encourages retail development and I find no basis for the deletion of food retail as an acceptable use within this site. Any fears over the effect of any major retail development (food or non-food) on the vitality and viability of the village centre would be allayed by the requirement to satisfy policies R2 and R4 of the structure plan. I am satisfied, therefore with the acceptable uses proposed for site R by the Council.

An improved trunk road access would be required for any development on this site. There is a presumption against creating new accesses onto trunk roads, as set out at Issue 111 in relation to General Policy 10, and those promoting new development proposals are required to justify setting aside this presumption if it is found that a new access is necessary.

Glen Road Developments (AH, C1, H1 & MU3): The objection to the Glen Road developments is based on traffic considerations and the potential for increased traffic on Bayview Crescent, which is an unadopted road. A large part of site H1 has the benefit of an extant planning permission, accessed directly from the A87(T). Development of the site has commenced and 28 houses have been completed on the western part of the site, immediately to the south of Bayview Crescent. The new road serving the Glen Road Developments is linked to Bayview Crescent, which also connects with the road to Torrin and Elgol, but clearly the principal access is direct to the A87(T). There would appear to have been problems during the early days of site development with traffic utilising Bayview Road rather than the direct link with the A87(T). However, the new access has been designed to accommodate the traffic generated by the proposed development. The capacity constraint of the A87(T) junction is recognised and a new secondary access to the Torrin Road is a requirement in the longer-term. In order to prevent the use of Bayview Crescecent by through traffic, the Council has offered to close off the junction of Bayview Crescent and Elgol Road, to design and progress the adoption of Bayview Crescent, and to fund a third of the construction costs. Nevertheless, the improvement of Bayview Crescent, although desirable, is not an essential pre-requisite for the further development of the Glen Road sites.

H3: The site allocated H3 does not exactly match the area occupied by a single dwellinghouse and its associated curtilage. The existing dwellinghouse is sited on the rectangular area of land immediately to the south of allocation H3. Furthermore, the strip of ground to the east, between the allocated site and the track to the manse, also forms part of the curtilage of the dwellinghouse. Planning permission has been granted for the erection of a dwellinghouse on part of this strip of ground. Consequently, it would be appropriate to include both of these areas in the allocated site. As regards the extension of site H3 further to the south, this land comprises a shallow ridge and any development would constitute skyline development. A considerable amount of housing land is allocated in Broadford, on far more preferable sites in terms of landscape impact. However, retention of the area within the SDA would allow housing development that is compatible with the crofting pattern of development on adjoining crofts.

MU5: The appropriate assessment of the plan has concluded that the policies and proposals within the plan would have no likely significant cumulative impact on the Natura sites. SNH supports the commended change suggested by the Council subject to a revised wording for policy 4 (see Issue 101). The Scottish Environment Protection Agency has requested that an additional developer requirement should apply to this allocation in its representations in respect of flood risk (see Issue 101).

Reporter's Recommendations

Commerce boundary: No modification to boundary. Modify boundary of allocation R by deleting that part of the site outwith the Commerce Centre boundary. Re-designate allocation R as MU7 with acceptable uses "retail, business, housing, community". Add developer requirements to allocation MU7 that "Flood risk assessment will be required, built development to avoid flood risk area" and "Justification for setting aside presumption against creating new junction onto trunk road if it is found to be necessary".

Glen Road Developments (AH, C1, H1 & MU3): No modification.

H3: Modify allocation to include site of existing house to the south and strip of ground alongside access to Church and Manse.

MU5: Add developer requirements that "Proposals will only be supported if developers can demonstrate no adverse effect on the integrity of the adjoining Natura site" and that "Flood risk assessment will be required, built development to avoid flood risk area".

Issue (ref and heading):	97. DUNVEGAN	Reporter: Douglas G Hope
Development plan reference:	Dunvegan – H2 (North west of primary school) and associated “link road”, MU3 (Adjoining Dunvegan Pier) Text WS 74-76 – Map LFM SL137	
Body or person(s) submitting a representation raising the issue (reference no.):		
H2: P. Atherton (652), G. Cooper (706) - MU3: SNH (697)		
Provision of the Development Plan to which the issue relates:	H2 Housing Allocation and associated “link road”, MU3 Allocation	
Council’s summary of the representation(s):		
<ul style="list-style-type: none"> • <u>H2</u>: Resident objections because: of loss of rural character; they fear that any link road will become a “rat-run”; there is already a pedestrian link between the two roads; better land exists to the north of the allocation; of loss of croft land; the allocation is contrary to the Plan objectives in terms of croftland; of the construction and maintenance costs associated with any link road when the Council can’t even maintain the existing road network; the link road will by-pass the village centre to the detriment of traders there; of interference with the neighbour’s septic tank / soakaway; of the need for a water main safeguard; of an inadequate water supply, and; of poor surface water drainage. • <u>MU3</u>: Scottish Natural Heritage (SNH) request that for sites where particular development proposals could have a significant adverse impact on Natura sites, that such developments be precluded by the terms of the policy. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • <u>H2</u>: Implied deletion of allocation and link road suggestion. • <u>MU3</u>: Stronger reference to and safeguard for SAC 		
Summary of response (including reasons) by planning authority		
<p><u>Response(s)</u></p> <ul style="list-style-type: none"> • <u>H2</u>: RETAIN ALLOCATION. • <u>MU3</u>: RETAIN ALLOCATION but add appropriate assessment dependency as detailed in commended change below. <p><u>Reasons</u></p> <ul style="list-style-type: none"> • <u>H2</u>: The site area has already been reduced with a consequent reduction in impact on local croft land and rural character. The suggested road connection will far less likely given this reduction but is still desirable given the local pressure for development on the Kilmuir road and the consequent impact this will have on that road and its limited capacity due to the poor junction visibility with the A850 and the road’s other width, alignment and condition issues. Other servicing issues, notably water supply are recognised and may delay the site’s development. Any other site-specific safeguards can be accommodated and addressed at the planning application stage. • <u>MU3</u>: Further safeguards are appropriate given the adjacent international heritage interests. 		

Any Further Plan Changes Commended by THC

- H2: None.
- MU3: ADD sentence to developer requirements box “proposals will only be supported if developers can demonstrate no adverse effect on the integrity of the adjoining Natura site”

Reporter’s Conclusions

H2: The site area of H2 has been reduced and it no longer stretches as far north as Kilmuir Road. In fact, the north-eastern boundary is below 17 Kilmuir and the proposed development would not interfere with the water supply or septic tank/soak away provision for this property. The development site incorporates the curtilage of an existing house, associated land including a builder’s yard and surrounding scrubland. It is not a prominent site in the landscape and the developer requirements include retention/expansion of the existing woodland area and burnside vegetation. There is no suggestion of a road link between the A863 and Kilmuir Road, only an improved access to the primary school, which is welcomed. However, although the site area has been reduced (from 5.1ha to 3.1ha) the indicative capacity has been reduced by only one house (from 16 to 15). Such a density would not be compatible with the existing pattern of development and I consider that a reduction in the indicative capacity should be made to reflect the reduction in area of the site.

MU3: The appropriate assessment of the local plan, which has now been completed, concludes that this proposal would not be likely to have any significant adverse impact on the adjoining Natura site. SNH supports the commended change suggested by the Council subject to a revised wording for policy 4 (see Issue 101). The Scottish Environment Protection Agency has requested that an additional developer requirement should apply to the allocation of this area in its representations in respect of flood risk (see Issue 101).

Reporter’s Recommendations

H2: No modification to site allocation. The indicative capacity of the site to be reduced to 10 houses.

MU3: No modification to site allocation. ADD developer requirements that “Proposals will only be supported if developers can demonstrate no adverse effect on the integrity of the adjoining Natura site” and “Flood risk assessment will be required, built development to avoid flood risk area. Only water-related and harbour uses would be acceptable within flood risk areas”.

Issue (ref and heading):	98. GLENELG/GALLTAIR AND GLEN BERNERA	Reporter: Douglas G Hope
Development plan reference:	Glenelg/Galltair and Glen Bernera – General & Settlement Development Area (SDA), MU1 (South Galltair), B (Bernera Barracks), H2 (Land South of Health Centre), H3 (Land South of Forestry Houses), MU2 (Land East of Health Centre) Text WS77–78 – Maps LFM SL139 & SL29 MB 91	
Body or person(s) submitting a representation raising the issue (reference no.):		
<ul style="list-style-type: none"> • <u>General & SDA:</u> T. Macpherson (949), D. Whittaker (956), J. & B. Nicholas (959), D. Cannon (962), G. Sutherland (967), SNH (697), N. Campbell (913), G. B. Mitchell (915), J. Watt & M. Baines (969) • <u>MU1:</u> J. N. Adams (201) • <u>H2 & H3:</u> F. MacPherson (479), D. Patterson (655), M. & J. Macmillan (965) • <u>MU2:</u> R. K. Lane (892), Dr R. Rawsley & Mr J. Hammersley (893) 		
Provision of the Development Plan to which the issue relates:	General Comment, SDA, MU1, B, H2, H3 and MU2 Allocations	
Council's summary of the representation(s):		
<ul style="list-style-type: none"> • <u>General & SDA:</u> Objections to development because: there is too much development potential contained within the SDA boundaries; the SDA will promote ribbon development along the road to the ferry point; of loss of semi-natural woodland, the steep contours makes much of the land un-developable or would promote cut and fill that would have a negative effect on the landscape; of adverse bird species impact; of loss of seaward views; of loss of tourism because of adverse visual impact; of loss of croft land and landscape; of flood risk; the land is better assessed against the Plan's housing in the countryside policies or a constraint policy; of the likelihood of poor designs because of past completions; of the loss of land of recreational value; other better, allocated alternative land exists; it would represent the coalescence of separate communities; Bernera is not a recognisable settlement; of the impact on the listed ferry house; of the historical significance of the drove road; it would support development that would be contrary to the existing settlement pattern; it would support development that would be contrary to national planning policy; it is misleading to developers; it is contrary to other Council safeguarding policies, and; it will only be developed for second homes. There is a specific objection to the corner plot within the SDA near the Barracks because of a concern about the loss of village avenue trees. • <u>MU1:</u> Objection to development because of fluvial and pluvial flood risk and likely need for land raising plus pollution risk to river based fish and natural heritage. • <u>H2 & H3:</u> Neighbour objections to development because of: loss of privacy; loss of private and secure parking; increased quantity, type and speed of traffic that will compromise child road safety; inadequate capacity of infrastructure networks; property depreciation; the inadequacy of the current access and private landownership interests that could inhibit widening; pluvial flood risk; poor ground conditions, and; the need to safeguard septic tanks / soakaways within the site. • <u>MU2:</u> Neighbour objections to development because of: the remoteness of the area; the lack of demand; poor ground conditions; the proposed scale and density is excessive and will upset the social balance of the community; adverse visual impact; loss of privacy and amenity; loss of tourism; loss of private views, and; affordable housing could better be provided by buying up surplus existing properties. 		

Modifications sought by those submitting representations:

- General & SDA: Deletion or considerable reduction of SDA (implied).
- MU1: Deletion of allocation (implied).
- H2 & H3: Deletion of allocations (implied).
- MU2: Deletion of site (implied).

Summary of response (including reasons) by planning authorityResponse(s)

- General & SDA: NO CHANGE.
- MU1: RETAIN ALLOCATION
- H2 & H3: RETAIN ALLOCATIONS.
- MU2: RETAIN ALLOCATION.

Reasons

- General & SDA: The extension of the SDA towards the ferry point was made at the request of the local community Council, which is keen to foster development along the road to the Kylerhea ferry to encourage tourists to take the ferry over the sea to Skye. The SDA encourages economic and tourism development as much as housing proposals and is designed to support tourism developments on the landward side of the ferry road to attract tourists along that route to a ferry service that is very marginal. It is accepted that very few sites are physically capable of development along this route even with cut and fill and this in itself will act as a brake on development and will prevent ribbon development. Glen Bernera is a secluded Highland glen with few constraints and well designed, break of slope sited development would not have an undue impact. The settlement's objectives already list the tree lined avenue as a development constraint for the corner plot.
- MU1: A confirmed flood risk affects most of the site and no flood prevention scheme is programmed so the site has already been reduced. The Highland and Islands Fire Brigade may still require a permanent facility within the village and they have recorded a previous interest in this site.
- H2 & H3: All three potential access routes to this allocated land are problematic. The cost of an improved access road will provide a significant but not insurmountable constraint. With appropriate siting and design there will not be impacts on the forestry houses in terms of privacy, overlooking, loss of parking, road safety, construction disruption, flood risk or other safeguards. A specific requirement to achieve net betterment in terms of surface water drainage has also been added.
- MU2: There is a current combined agency proposal to achieve a mixed day care/affordable housing scheme on the site. The site lies close to the centre of the village where relatively higher density development is appropriate. Many existing properties don't meet the space and accessibility standards required for affordable housing. The ground conditions and other physical constraints are recognised and are being checked at present through a detailed feasibility assessment.

Any Further Plan Changes Commended by THC

- General & SDA: None.
- MU1: None.
- H2 & H3: None.
- MU2: None.

Reporter's Conclusions

General & SDA: Representations have been made in relation to the SDA boundaries of both Glenelg & Galltair and Glen Bernera. In respect of Glenelg, a specific objection has been made to the inclusion within the SDA of a triangular area of ground opposite the school and village hall. This area of ground comprises woodland of relatively young conifers with mature deciduous trees on the road frontage. Any development of the site would set a precedent for development on the north side of the village road and would be likely to be inconsistent with the settlement objective of protecting the tree lined 'village approach road'. However, there are no proposals for the development of the site and I consider that no useful purpose would be served by including the site within the SDA.

In respect of Galltair, representations relate to the inclusion within the SDA of Creag an Fhithich and the littoral fields around Creagan Mhor. Creag an Fhithich comprises very steep and rocky ground. Any development in this area would require considerable cut and fill and could result in the loss of mature trees, which together would have a significant adverse effect on this important landscape feature. Likewise, any development in the fields around Creagan Mhor, sited at the mouth of the Glenmore River and bordering Glenelg Bay, would have a significant adverse visual impact to the detriment of the landscape character of the area. For these reasons, I consider that both of these areas should be removed from the SDA.

In respect of Glen Bernera, planning permission has been granted for a number of new dwellings on either side of the valley, three of which were in evidence on my site inspection. The designation of Glen Bernera as an SDA is a reflection of these extant planning permissions and there is scope for further development that would not have an undue visual impact. However, in relation to the cumulative effects of drainage on aquatic Natura sites from development within this SDA, considered under Issue 101, SNH considers that it is necessary to ensure that waste water drainage is to land where there is potential drainage straight to an aquatic Special Area of Conservation, in this case to the Lochs Duich, Long and Alsh Marine SAC.

The inclusion within the SDA of the strip of ground extending some 1.3km from the western side of Glen Bernera to the ferry slip would appear to have been made to encourage tourist developments and hence attract tourists along this route to the Skye ferry, which is very marginal. However, the settlement objectives make no reference to such an objective and do not specify what type of development might be acceptable either at the ferry or along this strip of ground. There is nothing to prevent a ribbon of housing development along this road, which would be totally out of character with the settlement form and would, due to the steepness of the ground in parts, have a significant adverse effect on the landscape character of this important approach to Skye. For these reasons, I consider that the strip of ground extending some 1.3km from the western side of Glen Bernera to the ferry slip should be removed from the SDA.

MU1: This site has been reduced in size from that shown in the pre-deposit draft local plan 2008 and the amended site lies just outwith the 1 in 200 year flood risk area. The Highlands and Islands Fire Brigade has recorded a previous interest in the site. The developer requirements indicate that community, business, tourism and housing uses would be acceptable but I do not consider that this site is appropriate for such development. The site projects into an open flood plain, which separates Galltair from Glenelg. Any development would be prominent and obtrusive, and would have an adverse impact on this open landscape. Only an over-riding need for this site for a fire service facility within the village would outweigh these concerns.

H2 & H3: These sites have a capacity of 45 units (57 units including site H1) and the Council acknowledges that all three accesses are problematic. In addition to access difficulties, concerns have been raised in respect of the scale of the development proposed in relation to the size of Glenelg, the inadequate capacity of infrastructure networks, surface water drainage implications, and the impact on the amenity of neighbouring residential property. Whilst development within the nucleus of the village is supported, the scale of the proposed development is a matter of concern.

In relation to landscape impact, the southern part of site H2 and a proportion of site H3 comprise steep and rocky ground, the development of which would be likely to require cut and fill. Such development would be extremely prominent and obtrusive and would have a negative effect on the landscape. I concur with the view that the scale of development envisaged is excessive for this remote community and consider that it does not sit comfortably with the Council's sustainability policies. I consider that any housing development should be restricted to the break of slope and the indicative capacities of sites H2 and H3 reduced accordingly. Clearly access is a matter that requires to be resolved but this does not appear to be an insurmountable constraint. Other matters, such as siting and design, the impact on the privacy and amenity of neighbouring properties, and the provision of service infrastructure are matters for consideration at the detailed planning stage.

The developer requirements for these sites include a requirement to achieve a mains sewerage connection and a net betterment of surface water drainage. The Scottish Environment Protection Agency has requested that an additional developer requirement should apply to the allocation of site H3 in its representations in respect of flood risk (see Issue 101). SEPA also requires that the site boundary should be amended to exclude that part of the site which lies within the medium to high flood risk area.

MU2: Inter-agency discussion have taken place regarding the development of this site for a day care centre and affordable housing but no layout or specific feasibility study has been undertaken. Nevertheless, the site lies close to the village centre and is an appropriate site for such uses subject to a detailed feasibility assessment. The suitability of the site in terms of ground conditions and the impact of any detailed proposals on the residential amenity of neighbouring houses would be a matter for such a feasibility study.

Reporter's Recommendations

General & SDA: Remove from the Glenelg SDA the triangle of land located at the junction of the village road and the access to the former Bernera Barracks. Remove from the Galltair SDA both the area known as 'Creag an Fhithich' and the area around Creagan Mhor between the ferry road and the shoreline. Remove from the Glen Bernera SDA the 100m wide strip of ground extending from the western side of Glen Bernera to the ferry slip. Add objective "ensure drainage to land".

MU1: Re-allocate site C2. Modify acceptable uses to restrict acceptable uses to fire service use only. Re-number allocation C (C1) and MU2-MU4 (MU1-MU3)

H2 & H3: Modify the southern boundary of allocations H2 & H3 to exclude the higher ground and that part of site H3 that lies within the medium to high flood risk area. Reduce the indicative capacities accordingly. Add developer requirement to allocation H3 that "Flood risk assessment will be required, built development to avoid flood risk area".

MU2: No modification (re-number MU1).

Issue (ref and heading):	99. PORTNALONG & FISKAVAIG	Reporter: Douglas G Hope
Development plan reference:	Portnalong & Fiskavaig SDA Text WS 79 – Map LFM SL140	
Body or person(s) submitting a representation raising the issue (reference no.):		
Bidwells on behalf of Marine Harvest Scotland (973)		
Provision of the Development Plan to which the issue relates:	SDA	
Council's summary of the representation(s):		
Request for inclusion of land within development boundary on the grounds that the site would represent redevelopment of a brownfield site plus it would also make safe an old road, dam and salmon smolt hatchery.		
Modifications sought by those submitting representations:		
Extension to SDA.		
Summary of response (including reasons) by planning authority		
<u>Response(s)</u> – NO CHANGE.		
<u>Reasons:</u> The site is divided by a natural watercourse and has flood risk issues. It may support development but the constraints are sufficient to not offer more positive support.		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
<p>The area of land referred to in the representation incorporates a former dam previously used in connection with a salmon smolt hatchery. It forms part of the property portfolio of the adjoining fish farm and, as such, I consider that it would be appropriate to include the area within the Settlement Development Area. The representors indicate that the land is surplus to requirements and that it is their intention to apply for planning permission for a house on the site with the potential to be served by a householder renewable energy scheme, subject to further feasibility studies. Whether or not a house on the site would be acceptable is not a matter for me but is a matter for detailed consideration and assessment by the Council against the relevant policies of the structure and local plan.</p> <p>In this respect, policy 1 of the local plan states that proposals for development within SDAs will only be supported if they meet the requirements of structure plan policy G2. Proposals will also be judged in terms of how compatible they are with the existing pattern of development and landscape character. I am satisfied that these policies provide a sufficient framework for the adequate control of development on the site.</p>		
Reporter's Recommendations		
Modify SDA boundary by including area of land identified on the plan accompanying this representation.		

Issue (ref and heading):	100. BRAESIDE (BY KINLOCHEIL)	Reporter: Iain Lumsden
Development plan reference:	Request for new SDA Map PM B	
Body or persons submitting a representation raising the issue (reference no.):		
Bidwells on behalf of Locheil and Achnacarry Estate (731)		
Provision of the Development Plan to which the issue relates:	New SDA request	
Council's summary of the representation(s):		
Landowner objection to non-identification of Braeside as an SDA because: it is an existing housing grouping; development there would represent an acceptable rounding-off, and; it is similar in pattern to Kinlocheil which has been assigned an SDA.		
Modifications sought by those submitting representations:		
New SDA enclosing existing and potential development land.		
Summary of response (including reasons) by planning authority		
<u>Response(s)</u> : NO CHANGE.		
<u>Reasons</u> : Braeside has no community facilities, falls within the commuter hinterland area and suffers from trunk road proximity, access, woodland and flood risk constraints. There are house plot planning applications pending for the lower (southern) part of the site which have attracted negative representations.		
Any Further Plan Changes Commended by THC		
None.		
Reporter's Conclusions		
At Braeside there are currently some 5 existing dwellings with further house plots being advertised for sale close by. There are no community facilities, local services or employment opportunities within the group of dwellings. In my view, the existing grouping of a few houses at Braeside does not constitute a 'settlement' in local planning terms. I note that the small group of houses is within easy driving distance of Fort William and I consider that the designation of a SDA at this location, with scope for further residential development, would simply generate additional car commuting in order to access employment opportunities or commercial and social facilities. I do not believe that such an approach would support efforts to encourage new development to take place within existing settlements or in achieving a more sustainable pattern of development in the local plan area. Taking all these considerations into account, together with other potential environmental and development constrains, I conclude that it would not be appropriate to define a SDA boundary at Braeside in the local plan.		
Reporter's Recommendations		
I recommend that no modifications are made to the local plan.		

Issue (ref and heading):	101. GENERAL	Reporter: David Russell
Development plan reference:	Strategies & Visions, General Policies (WHILP specific only), Other General Whole Plan	
Body or persons submitting a representation raising the issue (reference no.):		
<u>Strategies & Visions</u>		
<ul style="list-style-type: none"> • Renewables: Mountaineering Council of Scotland (MCS)(511), Scottish Natural Heritage (SNH) (697), A. Williams (740) • In-migration: M. Basil (683) • Balance in Heritage References: SNH (697) 		
<u>General Policies (WHILP specific only, remainder considered under separate issue papers)</u>		
<ul style="list-style-type: none"> • Biodiversity: Scottish Wildlife Trust (983) • Disabled Access: Voluntary Action Lochaber (992) • Flood Risk: Scottish Environment Protection Agency (SEPA) (includes SEPA's general objection to all allocations within, partly within and bordering the 1 in 200 year flood risk area) (446) • Waste Water (addresses SEPA's objection to all allocations that should in its view connect to a public sewer): Scottish Environment Protection Agency (SEPA) (446) • Built & Cultural Heritage (paras. 5.17 & 5.28 of the Written Statement): Historic Scotland (498) • Developer Contributions: Theatres Trust (635) • Commerce: Theatres Trust (635), GL Hearn (515) 		
<u>Other General</u>		
<ul style="list-style-type: none"> • Protected Species Surveys: R. Cottis (501) • Protection of Croft/Agricultural Land: M. Foxley (701) • Safeguarding of Land for Elderly Person Accommodation: M. Foxley (701) • Trunk Road Capacity: (and all allocations that may have an adverse impact on the trunk road network) Transport Scotland (859) • Adequacy of Allocated Employment Land: Highland & Islands Enterprise (HIE) (495) • Watercourses: (and all allocations containing significant natural watercourses) Scottish Environment Protection Agency (SEPA) (446) • Other Natural Heritage: Scottish Natural Heritage (SNH) (697) • Environmental Report: Historic Scotland (498), Scottish Natural Heritage (SNH) (697), Scottish Environment Protection Agency (SEPA) (446) 		
Provision of the Development Plan to which the issue relates:	Various	
Council's summary of the representation(s):		
<u>Strategies & Visions</u>		
<ul style="list-style-type: none"> • Renewables: Mountain Council of Scotland (MCS) object to any phrases of support for renewables unless caveated for no adverse landscape impact. This is justified because of the scenic, recreational and tourism value of that landscape. Scottish Natural Heritage (SNH) object to the inclusion of locational guidance on marine energy developments as this is inconsistent with the removal of other locational guidance on renewables and the potential for adverse natural heritage impact. Mr Williams objects to the specific locational support for on shore windfarms because of the adverse natural heritage impact such developments would have. • In-migration: Mr Basil believes the Plan should be realistic and aim to encourage 		

immigration of higher income middle aged professionals not the young who will leave for greater diversity of employment and social opportunities. This will strengthen the skills and tax base of the area but requires attractive living environments with broadband access and accessible greenspace. Attracting this home-working sector will be more successful and reliable than depending upon tourism.

- **Balance in Heritage References:** Scottish Natural Heritage (SNH) request more balance in referring to heritage - want more emphasis on safeguarding resources rather exploiting them.

General Policies (WHILP specific only)

- **Biodiversity:** The Scottish Wildlife Trust object to the lack of vision, strategy and general policy coverage on the issue of biodiversity because of: the legal requirement to address the issue; it being contrary to national policy, the importance to climate change and quality of life, and; the potential for detrimental impact if there is no policy coverage.
- **Disabled Access:** Voluntary group objection to lack of specific Plan policy support for better disabled access.
- **Flood Risk:** Scottish Environment Protection Agency (SEPA) general objection to unacceptable flood risk on allocations within, partly within and bordering the 1 in 200 year flood risk area.
- **Waste Water:** Scottish Environment Protection Agency (SEPA) objection to: inadequate encouragement of public sewerage solutions and their implied lower risk of pollution; and the lack of discouragement of sea/loch outfalls and their potentially worse direct impact on pollution.
- **Built & Cultural Heritage:** Historic Scotland objection to: the inadequate reference to the setting of the Fort in Fort William; the inappropriate reference to restoration of Castle Tioram, and; the incorrect reference to Kinloch Castle as a Scheduled Ancient Monument (SAM).
- **Developer Contributions:** Theatres Trust believe that assistance for cultural venues should be sought as a developer contribution because this would assist their self sufficiency, obtain better sites and buildings and meet the cultural needs of the local community.
- **Commerce:** Theatres Trust objects to the lack of specific protection and promotion of existing venues because of their role as tourist attraction(s) and therefore as a contribution to the local economy. GL Hearn objects to the lack of detail on the function of each scale of centre because this is potentially misleading. It believes the policy should set out quantitative and qualitative requirements in more detail in accordance with national planning guidance. Only the mixed use core of each centre should be included within the commerce boundary.

Other General

- **Protected Species Surveys:** Mr Cottis presents a proposal for a planning and wildlife mitigation policy / process on the grounds that: the Council's legal duties in this area are not being met, and; a simple checklist and better development management officer training would better inform the decision on the need for protected species surveys.
- **Protection of Croft/Agricultural Land:** Dr Foxley objects to the Plan's inadequate protection of locally important croft in by or arable farmland.
- **Safeguarding of Land for Elderly Person Accommodation:** Dr Foxley objects to the Plan's inadequate provision of land for extra care sheltered housing for local elderly in every village.
- **Trunk Road Capacity:** Transport Scotland objection to all allocated sites that take access off the trunk road network and/or that will adversely affect the network because this is contrary to national policy, there is no exceptional appraisal justification given, and it will raise false expectations amongst developers.

- **Adequacy of Allocated Employment Land:** Highland & Islands Enterprise (HIE) objection to the lack of specifically allocated employment land in all main settlements but in particular in Fort William. It is not content with mixed use allocations because these provide no guarantee of employment land. It points out the qualitative deficiencies in all identified business sites. It claims support from the Council's Structure Plan and national planning guidance. It points out the contradiction between this lack of employment land and the Plan Vision which sets out the need for 700-800 new jobs. Therefore there needs to be a range of employment sites to maximise opportunities for potential users. It provides evidence of past and current demand. It believes this demonstrates unmet demand in terms of land and premises, which is in part due to lack of suitable sites. The private sector will not acquire and service sites themselves but they will provide units on serviced sites.
- **Watercourses:** Scottish Environment Protection Agency (SEPA) asserts that natural watercourses where they exist within development sites should be safeguarded from development because of their natural heritage value, they are less likely than culverts to get blocked and they therefore have fewer maintenance issues.
- **Other Natural Heritage:** Scottish Natural Heritage (SNH) objections to: inadequate cross-referencing of updated Scottish Government guidance; inadequate information of documents' deposit places; "key principles" section is potentially misleading; inconsistent referencing of SSSI's where they overlap with SDAs; inconsistent referencing of NSAs close to and within SDAs; potential adverse impact on settlement pattern and landscape character in crofting expansion areas; inadequate protection for Natura water bodies; need for factual updates on new sites and correction of headings in heritage designations and hinterland mapping; inadequate protection of Natura sites from development; inconsistent references to development "objectives" for SDA and "factors" in General Policy 2, and; lack of reference to landscape character assessments in preamble to General Policy 3.
- **Environmental Report:** Consultation authorities comments on the need for more: up to date information; consistency; follow through of mitigation; consideration of cumulative and residual effects, and; cross-referencing of other relevant policies and documents. All these changes would ensure a fuller consideration of environmental effects and appropriate mitigation.

Modifications sought by those submitting representations:

Strategies & Visions

- **Renewables:** Mountain Council of Scotland (MCS) - every support in principle phrase to be caveated as subject to no adverse impact on any valued (whether covered by any formal designation or not) landscape. SNH - deletion of marine renewables locational guidance. Williams - deletion of locational guidance for on-shore windfarms (implied).
- **In-migration:** A change in strategic policy direction to encourage in-migration of middle aged homeworkers by creating and safeguarding attractive living environments with good broadband access (implied).
- **Balance in Heritage References:** More balanced references to heritage to emphasise primary purpose of safeguarding not exploitation.

General Policies (WHILP specific only)

- **Biodiversity:** Better policy coverage on the issue of biodiversity.
- **Disabled Access:** Specific policy support for better disabled access.
- **Flood Risk:** Where significant flood risk Scottish Environment Protection Agency (SEPA) want pre-allocation-confirmation FRA - for other part risk sites want FRA and either exclusion of affected area or water related uses only within affected area or built development exclusion from affected area.
- **Waste Water:** addition of: wording to support general principle of discharge to land; developer to pay for any private solution to be "Scottish Water-ready", and; public

sewer connection for all allocations where feasible to connect and/or private treatment not appropriate.

- **Built & Cultural Heritage:** Additional reference to setting of Fort in Fort William; deletion of reference to restoration of Castle Tioram, and correction of reference to Kinloch Castle as a SAM.
- **Developer Contributions:** Theatres Trust want specific inclusion of contributions towards Fort William's cultural needs
- **Commerce:** Theatres Trust want addition of specific protection and promotion of existing Fort William venues. GL Hearn want fuller detail and justification for scale and function of retail hierarchy.

Other General

- **Protected Species Surveys:** Policy to cross reference a development management process that better informs the decision on the need for protected species surveys (implied).
- **Protection of Croft/Agricultural Land:** Plan policy embargo on development proposals on locally important croft in by or arable farmland.
- **Safeguarding of Land for Elderly Person Accommodation:** Specific allocations for sheltered housing only sites in the centre of every Lochaber village.
- **Trunk Road Capacity:** Either deletion of all sites taking direct access off the trunk road network or likely to have a detrimental effect upon it or access arrangements amended to only allow direct access from the local road network, or wording added to make all sites dependent upon Transport Scotland approval of developer funded transport appraisals and/or a Scottish Government funding commitment to any consequential trunk road network improvements.
- **Adequacy of Allocated Employment Land:** Specifically allocated employment sites in every major Lochaber settlement, general policy support for enhanced marine access, specific allocations for uses proposed for relocation, and a more explicit A82 lobbying policy.
- **Watercourses:** Addition of developer requirement for retention and integration of watercourses as natural features within applicable development sites and commitment to general policy on issue within Highland wide Local Development Plan.
- **Other Natural Heritage:** Need for: better cross-referencing of updated Scottish Government guidance; addition of list of where paper copies can be inspected and deletion of "key principles" section; consistent referencing of SSSIs where they overlap with SDAs; consistent referencing of NSAs close to and within SDAs; addition of objective to avoid possible adverse impact on settlement pattern and landscape character of crofting expansion areas; addition of objective for all SDAs draining to Natura water bodies; update designated sites and correct headings in background maps; addition of wording to preclude developments that could have a significant adverse impact on Natura sites; cut SDAs to exclude SACs wherever potential adverse impact; consistent references to development "objectives" for SDAs and in General Policy 2; reference to landscape character assessments in preamble to General Policy 3.
- **Environmental Report:** Request for factual updates, better baseline data e.g. no. of SAMs, match scoring matrices to changed general policies, all matrix mitigation to be followed through into the allocation developer requirements, more commentary on cumulative and residual effects, better and fuller cross-referencing of other relevant policies and documents.

Summary of response (including reasons) by planning authorityResponse(s)Strategies & Visions

- **Renewables:** DELETE all remaining locational guidance for renewables and reference to on-going work as detailed in commended changes below
- **In-migration:** NO CHANGE.
- **Balance in Heritage References:** AMEND text to add more balanced references as detailed in commended changes below.

General Policies (WHILP specific only)

- **Biodiversity:** NO CHANGE.
- **Disabled Access:** NO CHANGE.
- **Flood Risk:** Only WHILP site changes as detailed in commended changes below.
- **Waste Water:** Only WHILP site changes as detailed in commended changes below.
- **Built & Cultural Heritage:** NO CHANGE.
- **Developer Contributions:** NO CHANGE other than clarification detailed in commended changes below.
- **Commerce:** NO relevant CHANGE.

Other General

- **Protected Species Surveys:** Only WHILP site-specific changes.
- **Protection of Croft/Agricultural Land:** NO CHANGE.
- **Safeguarding of Land for Elderly Person Accommodation:** NO CHANGE.
- **Trunk Road Capacity:** NO CHANGE.
- **Adequacy of Allocated Employment Land:** Only WHILP site-specific changes.
- **Watercourses:** Only WHILP site-specific changes.
- **Other Natural Heritage:** AMEND as detailed in commended changes below.
- **Environmental Report:** AMEND to update, clarify, augment and to better cross reference related policies and guidance (see commended changes below).

ReasonsStrategies & Visions

- **Renewables:** The previous locational guidance was inappropriate given its brevity, lack of context and partly “under review” status and was therefore removed. For consistency any remaining references should also be removed. However, support in principle for renewables should be retained as this accords with national and Highland policy and is a vital component of tackling climate change. Caveating every support in principle reference would not be in keeping with the Government’s commitment to producing streamlined planning policy and adequate environmental safeguards exist within the existing Plan wording or are commended for addition.
- **In-migration:** It is accepted that homeworking will making an increasing contribution to the Highland economy. However, there are many attractive Highland areas with suitable broadband access that will help foster the home-working sector. Many very rural phone exchanges have now been ADSL enabled and further advances in technology will increase availability even to the most remote areas. This coupled with the Council’s positive housing in the countryside policies allows many suitable locations for potential and existing home-working migrants.
- **Balance in Heritage References:** It is accepted that more balanced references to the purpose of heritage designations as areas for protection and enhancement as well as interpretation opportunities are appropriate. However, the suggested change to para.

6.16 (access and recreation) is not appropriate because the suggested wording is written as a policy and other guidance covers this issue with adequate balance. Similarly, para 7.51 (core path plans) is written as a policy and other Highland policy guidance covers this issue with adequate balance.

General Policies (West Highland & Island Local Plan specific only)

- **Biodiversity:** The Highland wide Local Development Plan and future supplementary guidance will address the issue of biodiversity in greater detail. Further non-specific guidance is not appropriate to the streamlined content of the new style development plans.
- **Disabled Access:** The disabled access policy issue would best be addressed through the forthcoming Highland wide Local Development Plan given its strategic nature. At the local level, the new design and access statements for larger developments will provide the most appropriate vehicle to test and improve the acceptability of proposals.
- **Flood Risk:** Following negotiation with Scottish Environment Protection Agency (SEPA) further flood risk safeguards are appropriate. However, pre planning application determination flood risk assessments rather than pre local plan confirmation assessments are sufficient given the resource implications and relative certainty of development.
- **Waste Water:** Following negotiation with Scottish Environment Protection Agency (SEPA) further “public sewer connection” developer requirements and “drainage to land” SDA objectives are appropriate. However, within SDA boundaries, where it is not feasible and/or economic to connect to a public sewer then private arrangements should not be ruled out as this would stymie development without proper justification of a proven pollution risk.
- **Built & Cultural Heritage:** Fuller/corrected built heritage references are appropriate.
- **Developer Contributions:** Theatres are semi-commercial operations that do not justify planning gain contributions particularly because there is no direct connection with the physical environment or the impact of a particular development proposal.
- **Commerce:** Theatres and other leisure use sites may be capable of redevelopment or relocation and therefore an absolute safeguard would not be appropriate. The policy offers adequate policy coverage on the retail hierarchy. National planning policies are being streamlined to be less prescriptive. The Council’s policy is in line with this trend. The scale and function of each centre is commensurate with the population served and the aims of minimising travel but maximising accessibility. In a rural area many settlements (in particular those that originated as dispersed crofting townships) do not have a defined core. A wider presumption in favour of small scale retail, leisure and other commercial uses is therefore appropriate. To ensure a consistency of application, all larger, listed centres should be mapped.

Other General

- **Protected Species Surveys:** Particular habitats and species interests, where known, are reflected within the developer requirements for those sites. It is recognised that better development management processes and training for planning officers are required in relation to this evolving issue. However, the Council believes these are matters of day to day practice not of local policy. A brief policy “hook” in the forthcoming Highland-wide Local Development Plan may be appropriate but not a specific policy in the West Highland & Islands Local Plan.
- **Protection of Croft/Agricultural Land:** Many of the changes that affect crofting interests are supportive of the expressed views of local crofters. Many of the SDAs have been drawn widely enough to allow flexibility for the crofter and the planning application officer to look at siting development on the poorer part of any croft or indeed the common grazings. Regulatory definition and control of proper occupiers and continued Crofters Commission comment on planning applications should also

provide a degree of protection. The Plan makes several policy references to the importance of croft land quality in planning decision making. It is therefore flagged as an important and material planning consideration. However, an absolute safeguard would not be appropriate or enforceable and would preclude diversification proposals that may sustain existing crofting activities.

- **Safeguarding of Land for Elderly Person Accommodation:** Many central allocations make reference to housing accommodation suitable for the elderly. The Council also has a policy to encourage at least 25% of affordable housing developments as being of accommodation suitable for the elderly. An embargo on other forms of housing development would be difficult to enforce without a change in current national legislation/guidance. The Council cannot at present dictate the tenure, price and type of housing on a particular site but can seek to achieve elderly provision by negotiation and by establishing a clear preference within the local plan developer requirement wording.
- **Trunk Road and Rail Capacity:** Transport Scotland's suggested additional developer requirements are so onerous that they would stymie the development potential of most sites. Local road network access is taken wherever possible but many settlements have little option but to take access from the trunk road network. Adequate trunk road access is already given as a developer requirement for many allocations and in the objectives of relevant SDAs. The recent Government's trunk road investment programme STPR publication clarifies that most routes will not get a Scottish Government funding commitment within the lifetime of the Plan so agreeing to such a dependency in the wording would effectively embargo development on many sites to the detriment of the area's prospects for sustainable economic growth.
- **Adequacy of Allocated Employment Land:** Each major village has land allocated that could accommodate business proposals either via the mixed use allocations or more generally within the SDA. Fort William merits more specific textual safeguards for employment land. The Plan's Vision supports enhanced recreational sailing facilities and specific allocations are made for this purpose within Fort William sites MU2 and MU10 and elsewhere. Similarly the expansion options for Fort William provide more than adequate land for relocated facilities. The Scottish Government's decision not to include any significant improvement scheme for the A82 within the STPR makes a lobbying policy less relevant.
- **Watercourses:** Retention of natural watercourses would achieve sensible environmental and maintenance benefits without imposing undue, additional development costs.
- **Other Natural Heritage:** Following negotiation with Scottish Natural Heritage (SNH) and the appropriate assessment/SEA processes, amended heritage references will offer better, clearer more consistent guidance.
- **Environmental Report :** The Council accepts that the effects should be followed through to mitigation. Cumulative and residual effects have been mentioned but a more detailed analysis is outwith the scope of current resources. Further cross referencing is not appropriate to a streamlined plan format.

Any Further Plan Changes Commended by THC

Strategies & Visions

- **Renewables:** DELETE all remaining site-specific renewables references - e.g. para. 6.64. ADD factual update of THC's further work on this issue in para. 6.41
- **In-migration:** None.
- **Balance in Heritage References:** AMEND to add more balanced references in paragraphs 5.1, 5.11, 5.25, 5.27, 6.18, 6.8.8.

General Policies (WHILP specific only)

- **Biodiversity:** None.
- **Disabled Access:** None.

- **Flood Risk:** ADD “flood risk assessment will be required, built development to avoid flood risk area” for sites adjacent to 1 in 200 year risk area. ADD as above plus “only water-related or harbour uses would be acceptable within flood risk areas” for sites that fall (partly) within the 1 in 200 year risk area. REDUCE site boundaries for non water related use allocations to exclude 1 in 200 year risk area unless flood prevention works are also proposed. AMEND Glencoe sites H1 and B2 to clarify developer requirement for “coastal/road protection works” not for flood prevention scheme.
- **Waste Water:** ADD “public sewer connection” developer requirements for all allocations where it is technically/economically feasible to connect and “drainage to land” SDA objectives where water bodies are likely to be affected. For allocations within SDAs where not feasible, ADD “public sewer connection or interim private arrangement that will be compatible with and make a future public connection/scheme more likely.”
- **Built & Cultural Heritage_** ADD reference to setting of Fort in Fort William (para. 5.17); DELETE reference to restoration of Castle Tioram (para. 5.28), and AMEND reference to Kinloch Castle as a SAM (para. 5.28).
- **Developer Contributions:** AMEND policy to allow for reduction if exceptional/abnormal development costs can be demonstrated by open book accounting.
- **Commerce:** None.

Other General

- **Protected Species Surveys:** None.
- **Protection of Croft/Agricultural Land:** None.
- **Safeguarding of Land for Elderly Person Accommodation:** None.
- **Trunk Road and Rail Capacity:** None.
- **Adequacy of Allocated Employment Land:** None beyond Fort William specific changes.
- **Watercourses:** ADD developer requirement for “retention and enhancement of natural watercourses” for requested sites.
- **Other Natural Heritage:** Appendix 1: ADD better cross referencing to whatever Government guidance is relevant at post -Examination draft issue. Appendix 3: ADD list of where paper copies can be inspected and delete “key principles” section. ADD objective to “To protect the integrity of and secure exceptional siting and design within the NSA” to all relevant SDAs. ADD objective for all SDAs to reference any adjacent Natura sites. ADD/AMEND objective “to secure a collective, master planned, crofting community development of the township expansion area” for all settlements where a large area of common grazings has been enclosed within the SDA. ADD new sites including recent Natura sites and correct AGLV map heading. ADD sentence to developer requirements box “proposals will only be supported if developers can demonstrate no adverse effect on the integrity of the adjoining Natura site” to the allocations at Dunvegan pier (MU3), Kyle Harbour (MU4), Broadford airstrip (MU5) and Kyleakin quarry (I). ADD “drainage to land” objective for all SDAs draining to Natura water bodies where no public sewerage solution exists. AMEND SDAs to exclude SACs where potential for adverse impact e.g. Torrin. AMEND references to development "factors" to read "objectives" in General Policy 2. ADD reference to landscape character assessments in preamble to General Policy 3.
- **Environmental Report:** ADD additional developer requirements where SEA matrix has highlighted a mitigation need and ensure consistency between sites for same impacts requiring same mitigation. The policies scoring matrix will require to be updated to reflect the Examination outcome regarding the general policy content.

Reporter's ConclusionsStrategies & Visions

Renewables: As set out at Issue 104, the policies of the structure plan and the terms of the Highland Renewable Energy Strategy (when revised in the context of national policy as set out in Scottish Planning Policy) will be used to assess particular proposals. These provide general support for such developments, but establish criteria to ensure that the acceptability of their impacts is carefully assessed. This would include the impact on "valued landscapes" whether or not they are designated, as raised in the representation by the Mountaineering Council of Scotland. However a requirement that there should be no adverse impact on the landscape would not be appropriate. In this context I also agree that the locational guidance in relation to offshore energy developments, which is contained in paragraph 6.64, should be removed. The specific locational guidance which was referred to by Mr Williams has already been deleted from the plan.

In-migration: The growing opportunities for broadband access to encourage home-working in this attractive rural environment are already identified in the "vision" for both Lochaber and Skye & Lochalsh, outlined at paragraphs 5.20 and 6.69.

Balance in heritage references: I consider that a sufficient and appropriate balance is struck in the plan between the protection of the area's natural and cultural heritage on the one hand, and the promotion of development opportunities based on the quality of its environmental assets on the other hand. This is exemplified under the heading of "A heritage safe in the hands of local people" by the commitment to environmental protection in paragraph 5.27 in relation to the "vision" for Lochaber; and also under the heading "Use the natural environment positively and wisely" by the commitment to effective stewardship of the area's outstanding natural heritage in paragraph 6.18 in relation to the "vision" for Skye and Lochalsh. Accordingly, I do not consider that it is necessary to make the further modifications now commended by the council.

General Policies (WHILP specific only)

Biodiversity: The structure plan already contains a specific policy (N4) in relation to biodiversity and a definition in its glossary; and there are a range of policies in both the structure plan and the local plan which foster protection of environmental resources. Given the council's commitment to addressing this issue in the Highland-wide local development plan and in supplementary guidance, I consider that the inclusion of further detailed policies or guidance should not be required at this stage. However I agree that the stated objectives of the plan should confirm that these include "to further the conservation of biodiversity" as an additional heading under the existing title of "Adopting a proactive approach to the wise use of the natural environment".

Disabled access: The council has confirmed that this issue is to be addressed in detail in the preparation of the Highland-wide local plan, but the existing local plan already contains a clear reference to access for the disabled. As an interim measure, therefore, I consider that it would be appropriate to include reference to this issue in Policy 18, which deals with design quality and place-making.

Flood risk: I agree that the Scottish Environment Protection Agency's suggestion that a flood risk assessment be undertaken for all potentially affected sites prior to their allocation in the local plan would be excessively onerous. It is not a requirement which is reflected in the recently published 'Scottish Planning Policy' which has now replaced Scottish Planning Policy 7 'Planning and Flood Risk'.

I accept that the changes suggested by the council above would generally be sufficient, and would ensure an appropriate degree of protection from flood risk for those sites adjacent to or partly within the 1 in 200 year flood risk areas. As detailed in the Scottish Environment Protection Agency's objection, and taking account of the modifications recommended elsewhere in this report in relation to specific sites, the additional or amended developer requirements should apply to the following allocations:

1. The wording "Flood risk assessment will be required, built development to avoid flood risk area" is to be added as a developer requirement for the following site allocations:

- In Fort William, sites B1A and H2 (previously site MU1 – see Issue 84);
- In Portree, sites C1, MU3, MU4 and MU5;
- In Broadford, sites MU2, MU4 and MU5;
- In Dunvegan, sites AH and MU4;
- In Ferrindonald/Teangue, site MU;
- In Gairloch, site H5;
- In Kyleakin, site B2; and,
- In Edinbane, site C.

2. The wording "Flood risk assessment will be required, built development to avoid flood risk area. Only water-related or harbour uses would be acceptable within flood risk areas" is to be added as a developer requirement for the following site allocations:

- In Fort William, sites B2 and MU2;
- In Dunvegan, site MU3;
- In Lochaline, site B1;
- In Arisaig, site MU;
- In South Strome, site MU;
- In Armadale, site MU2; and,
- In Inverarish, site MU1.

3. In addition to the wording "Flood risk assessment will be required, built development to avoid flood risk area" being added as a developer requirement for the following site allocations, the site boundaries should be amended to exclude those parts which lie within the medium to high flood risk area:

- In Broadford, site R;
- In Glenelg, site H3;
- In Spean Bridge, site H3;
- In Roybridge, site H1;
- In Invergarry, site H1; and,
- In Arisaig, site B.

4. The wording of the developer requirement for sites H1 and B2 in Glencoe for contributions to a flood prevention scheme should be amended to a developer requirement for "contributions to road drainage works".

The Scottish Environment Protection Agency's objection had also requested that a developer requirement for a pre-allocation flood risk assessment should be applied to site MU10 in Fort William, site B1 in Roybridge and sites MU3 and MU5 in Portree. Otherwise it requested that these allocations should be deleted from the plan. However, I have concluded above that such a developer requirement would be too onerous and therefore inappropriate, and I note that for each site there is already a developer requirement for a flood risk assessment.

Waste water: The council's suggested changes to the developer requirements for

individual allocations provide an appropriate means of avoiding pollution, and would be consistent with the proposed amendments to Policy 7 (see Issue 108).

The developer requirement for a connection to the public sewer should therefore apply to all allocations for the development of 25 or more housing units, and to the following site allocations:

- In Kinlochleven, sites MU1, MU2, H1, H2 and C1;
- In Lochaline, sites H1, H2 and H3;
- In Strontian, sites H1, H2, B1 and C1;
- In Inchree, site MU;
- In Morar, site H2;
- In Arisaig, sites H1, H2, MU and OS (formerly Site C – see Issue 47);
- In Lochailort, sites B, H2 and H3;
- In Kyle of Lochalsh, sites C, H1, H2, H3, H4, H5, H7, MU1, MU2, MU3 and MU4;
- In South Strome, site MU;
- In Auchtertyre, site MU2;
- In Dornie, sites AH and C;
- In Armadale, sites MU1 and H;
- In Kyleakin, sites H1, H2, AH, MU, B2 and B3;
- In Uig, site AH;
- In Carbost, site MU1, AH and H; and,
- In Invergarry, sites H1, B1 and MU1.

The developer requirement for a public sewer connection or an interim private arrangement that will be compatible with, and make a future public sewer connection or scheme more feasible, should therefore apply to the following site allocations:

- In Edinbane, sites H1, H2 and H3; and
- In Inverarish, sites H4 and H5.

Built and Cultural Heritage: I agree that reference should be made both to the preserved site of the fort and to its setting, as being among the landmark features in a major regeneration package for Fort William. The references to both Castle Tioram and Kinloch Castle being restored scheduled ancient monuments are inaccurate and require amendment.

Developer contributions: While Policy 15 provides scope for developer contributions to be sought in relation to community facilities, and therefore potentially in relation to theatres, this would have to be justified under the terms of the policy and on the merits of the particular case. I therefore conclude that no modification is necessary. (See also Issue 112)

Commerce: The objection by the Theatres Trust relates to Fort William, and seeks the protection and promotion of venues through Policy 17. This policy relates to commercial development, including retail, office and leisure, and amongst other things it supports mixed use developments in Fort William town centre. That could include the provision of theatre venues, which would be beneficial both to the cultural life and the economy of the area. However, the principal focus of the policy is on the development of commercial rather than cultural facilities, and I do not consider that it would be appropriate to alter its terms to make it more prescriptive specifically in relation to theatres.

In relation to the objection by G L Hearn, I consider that the policy framework is generally sufficient to comply with national policy by encouraging retail development while supporting a network of retail centres, including town centres. Given the nature of the plan area, with its mainly scattered rural population and settlements, I do not consider that a more

prescriptive approach is necessary or appropriate. The criteria set out in the policy provide a sound framework for assessing individual proposals.

I accept that there may be cases where the boundary of a town centre, or in the case of this plan the boundary of a 'commerce centre', should not only encompass the area occupied by the existing town centre uses, but should incorporate sites which could accommodate new commercial development, thus facilitating the future expansion of the centre. This matter has been addressed in detail in relation to the boundaries of individual centres in considering the specific representations concerning Kyle of Lochalsh, Fort William, Portree and Broadford (see Issues Nos. 53, 88, 91, 95 and 96).

Other General

Protected species surveys: As a consultee on planning applications, Scottish Natural Heritage has a particularly important role to assist planning authorities in assessing the impacts of proposed developments on European protected species outwith designated sites. This plan assists in identifying developer requirements for those sites where habitats or species are known. The particular suggestions made by Mr Cottis are certainly worthy of separate consideration, but are not appropriate for inclusion in the local plan.

Protection of Croft / Agricultural Land: Paragraph 7.3 confirms that the quality of croft or agricultural land has been an important factor in drawing the boundaries of the settlement development areas. The terms of Policy G2 of the structure plan, which are reiterated on page 39, ensure that particular development proposals will be assessed, amongst other things, on the extent to which they impact on prime quality or locally important agricultural land. I consider that this is an appropriate approach, and I note that Councillor Foxley confirmed that he was not seeking an absolute safeguard, and is content that this aspect will be flagged up as an important material planning consideration.

Safeguarding of Land for Elderly Person Accommodation: Where properly justified and appropriate land is identified, I consider that there would be scope to allocate sites specifically for supported residential accommodation, in the same way that allocating sites specifically for affordable housing is commended as an option for delivery in Planning Advice Note 74, and has been included in this plan. In relation to this form of residential accommodation, however, full justification has not been provided and suitable sites have not yet been identified.

Trunk Road Capacity: I accept that the objective of maintaining the efficiency and safety of the trunk roads which run through Lochaber and Skye & Lochalsh is served by the policy of setting a presumption against creating new accesses onto them. However many of the area's settlements straddle these roads, and it is inevitable that provision for new development in many of these settlements could require access onto the trunk road in locations where the use of existing side roads is not practicable.

In these circumstances, as set out at Issue 111 in relation to General Policy 10, those promoting new development proposals will be required to justify setting aside the presumption against creating new junctions onto trunk roads, if that is found to be necessary for that development. This requirement would also apply to those sites allocated for development by the local plan and which adjoin a trunk road. Therefore it is appropriate that a developer requirement should be added for those sites listed below which were highlighted in Transport Scotland's objection and are not the subject of recommended modifications for their deletion. This should confirm that, where a new junction onto the trunk road is proposed in order to gain access to that site, a justification will have to be provided confirming why the presumption requires to be set aside in that case:

- In Fort William, sites MU5, MU10, MU11, and sites B1A and H2 (which were

- previously site MU1 – see Issue 84);
- In Spean Bridge, sites MU1, MU2 and H2;
 - In Roy Bridge, sites H1 and B1;
 - In Auchtertyre, site MU2;
 - In Kyle of Lochalsh, sites MU2 and MU3;
 - In Broadford (west), sites H1, H2, MU2, MU4 and R;
 - In Portree, sites MU2, MU3, MU6, B1, B2, H2, and I2;
 - In Glencoe, site H3;
 - In Inchree, site MU;
 - In Invergarry, sites B2 and H2;
 - In Onich, site H;
 - In Reraig, sites C and MU; and,
 - In Mallaig, site B1.

Adequacy of Allocated Employment Land: The need for a range of sites to be available for business and industrial developments throughout the plan area is important in supporting the delivery of sustainable economic growth. Sites which are specifically allocated for business and industry alone can be helpful in providing certainty as to the intended use; but there may be places where an allocation of a site for mixed uses can be more effective in delivering the business and industry element as part of a wider development package.

However in Fort William, and as identified at the hearings, the allocation of additional land specifically for new business and industrial development at Annat, Blar Mhor and Glen Nevis business park would be consistent with Policy B1 of the structure plan which identifies these as strategic locations for business and industry. This approach is likely to assist the public sector in its role of securing and servicing the land required to meet the needs of local and incoming firms. The restriction of some sites to being developed for particular uses may also be important in avoiding future difficulties that can arise from incompatible adjoining uses. It is within this wider context that the site specific issues in Fort William have been addressed (see Issues 82 to 94). Subject to the recommended modifications being made there, I am satisfied that the local plan allocates sufficient land for employment uses.

Watercourses: Structure plan Policy G2 already provides protection for freshwater systems, and I agree that it would be appropriate and consistent with that policy to add “*To retain and integrate watercourses as natural features within the development*” to the developer requirements for all those allocated sites which contain significant watercourses, as requested by the Scottish Environment Protection Agency and supported by the council.

Other Natural Heritage: In further written statements submitted in response to a request from me regarding the appropriate assessment of the plan, both Scottish Natural Heritage and the council confirmed that additional modifications should be made to the plan, in addition to those above which are commended by the council.

The first relates to the overall policy, and Scottish Natural Heritage requests that the following modification should be made to Policy 4, paragraph 3, to ensure a smooth link between policy led developments and individual sites: “*For features of international importance (Natura 2000 (SPA, SAC) and Ramsar sites), developments likely to have a significant effect on a site, either alone or in combination with other plans or projects, and which are not directly connected with or necessary to the management of the site for nature conservation, will be subject to an appropriate assessment. Where we are unable to ascertain that a proposal will not adversely affect the integrity of a site, we will only allow development if there is no alternative solution and there are imperative reasons of*

overriding public interest, including those of a social or economic nature. Where a priority habitat or species (as defined in Annex 1 of the Habitats Directive) would be affected, development in such circumstances will only be allowed if the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment, or other reasons subject to the opinion of the European Commission (via Scottish Ministers).

Where we are unable to ascertain that a proposal will not adversely affect the integrity of a site, the proposal will not be in accordance with the development plan within the meaning of Section 25(1) of the Town and Country Planning (Scotland) Act 1997 as amended.”

The second modification relates to the cumulative effects on aquatic Natura sites due to drainage. This aspect is addressed by Policy 7, and Scottish Natural Heritage broadly endorses the proposed modification to that policy which was suggested by the Scottish Environment Protection Agency and is detailed at Issue 108.

However, Scottish Natural Heritage considers that it is also necessary to make a modification in relation to “waste water”, so that an objective to “ensure drainage to land” is included for each settlement development area where there is potential drainage straight to an aquatic special area of conservation, and where connection to a public sewer is not technically possible. The settlement development areas are:

- Glenuig, Kinlochmoidart and Roshven (where developments may affect the Sound of Arisaig marine special area of conservation);
- Glenborrodale, Salen and Strontian (where developments may affect the Sunart marine special area of conservation); and,
- Reraig, Lower Ardelve, Upper Ardelve, Dornie, Camuslongart, Inverinate, Ratagan, Avernish, Allt na Sugh, Sallachy, Inverinate (west), Letterfearn, Glen Bernera and Kyclerhea (where developments may affect the Lochs Duich, Long and Alsh marine special area of conservation).

The council confirmed in its written statement that it also supports these further modifications, and I agree that they are appropriate to ensure that the integrity of these special areas of conservation is safeguarded from the potential cumulative effects of developments within these settlements.

In these circumstances Scottish Natural Heritage also confirmed that the Appropriate Assessment is valid and robust, and demonstrates that the plan will not lead to adverse effects upon Natura sites and thus would comply with the relevant regulations.

I also agree that the minor changes to the text commended by the council above, subject to them being consistent with the other modifications recommended in this report, would deal with the non-material omissions, inconsistencies or inaccuracies, as raised by Scottish Natural Heritage in its original representation. Other concerns expressed by Scottish Natural Heritage regarding the implications of the settlement development areas for sites or features of international or national importance are addressed separately at Issue 103.

The integrity and scenic quality of National Scenic Areas would be further protected by the addition of the objective suggested by the council in relation to developments which are proposed within those settlements that lie within a National Scenic Area.

In those crofting areas where settlement development areas have been identified, the inclusion of the objective suggested by the council to ensure a collective and master

planned development of the settlement's expansion would assist in safeguarding the settlement pattern and the character of the area's landscape.

Environmental Report: The comments made by the consultation authorities on the Environmental Report are for the council to address separately.

Reporter's Recommendations

Renewables: Modify paragraph 6.64, by deleting the words "most notably off the Sleat Peninsula, Dunvegan Head, Minginish and the Sound of Raasay".

In-migration: No modification.

Balance in heritage references: No modification.

Biodiversity: Modify the Plan Objectives, by adding after paragraph 4.12 "to further the conservation of biodiversity" as an additional heading under the existing title of "Adopting a proactive approach to the wise use of the natural environment".

Disabled access: Modify Policy 18 by amending the third sentence of the second paragraph to read: "We will examine proposals to ensure that people, including the disabled, may move safely and conveniently within the development and, where appropriate, to facilities in other parts of the settlement."

Flood risk: Modify the developer requirements for, and boundaries of, site allocations, as set out in my conclusions above.

Waste water: Modify the developer requirements for site allocations, as identified and listed above in my conclusions.

Built and cultural heritage: Modify the first sentence of paragraph 5.17 to refer to Fort William's "preserved Fort site and setting".

Modify paragraph 5.28 by replacing the sixth sentence with: "While the Scottish Ministers did not support an application to restore the Castle Tioram scheduled ancient monument, restoration work on the Kinloch Castle listed building on Rum has begun."

Developer contributions: No modification.

Commerce: No further modification.

Protected species surveys: No modification.

Protection of Croft / Agricultural Land: No modification.

Safeguarding of Land for Elderly Person Accommodation: No modification.

Trunk Road Capacity: Modify the developer requirements for those sites (as identified above in my conclusions) which adjoin a trunk road and are allocated for development, by adding an additional developer requirement to reflect the terms of Policy 10 as modified (see Issue 111), by stating: "Justification required for any new junction onto trunk road".

Adequacy of Allocated Employment Land: No further modification.

Watercourses: Modify the plan in relation to those allocated sites which contain significant watercourses, by adding the following developer requirement: "Retain and integrate

watercourses as natural features within the development”.

Other Natural Heritage: Modify the plan, as set out in my conclusions above, in relation both to Policy 4, paragraph 3 and to the additional objective for those settlement development areas listed where development might affect a marine special area of conservation.

Modify the plan also by making the minor changes to the text which are commended by the council, subject to them being consistent with the other modifications recommended in this report; and by adding the objective suggested by the council in relation to developments which are proposed within those settlements that lie within a National Scenic Area.

Environmental Report: No modification.

Issue (ref and heading):	102. GENERAL POLICIES: Introductory paragraphs	Reporter: David Russell
Development plan reference:	Chapter 7 General Policies, paragraph 7.2, WS 31	
Body or persons submitting a representation raising the issue (reference no.):		
Airtricity (961)		
Provision of the Development Plan to which the issue relates:	Advice in the Plan's text about how each planning application will be assessed.	
Council's summary of the representation(s):		
<p><u>Airtricity (961)</u>: In the second introductory paragraph to the General Policies chapter, the Plan confirms that compliance with 'a single local plan policy will not necessarily indicate that a proposed development is acceptable'. It could also be argued that non-compliance with a single local plan policy will not necessarily indicate that a proposed development is unacceptable. Each development proposal will be assessed on its individual planning merits, as acknowledged in the Planning Act.</p>		
Modifications sought by those submitting representations:		
<p><u>Airtricity (961)</u>: This paragraph should be reworded to clarify that each development proposal will be assessed on its individual planning merits.</p>		
Summary of response (including reasons) by planning authority		
<p><u>Response(s) and Reasons</u></p> <p><u>Airtricity (961)</u>: Text should be added as requested but also the existing message to the plan user should be retained that applications will be assessed against all policies and legislation relevant and that conformity with a single policy will not necessarily indicate that a proposed development is acceptable.</p> <p>The Council agrees that the suggested modification will provide clarity and reflect the legal position. However, the Council also considers that the original message should also remain; it is a precautionary note to the Plan user, intended to guard against the possibility of the Plan user making the assumption, without full consideration of the issues, that their proposed development will be supported.</p> <p>[For information, Airtricity also raised essentially the same issue in respect of the Sutherland Local Plan and the Council's response on that issue in respect of both Plans is the same.</p> <p><u>NB</u>. All of the General Policies are wholly or largely identical between the two Local Plans and, in the interests of streamlining its development plans, the Council wishes to maintain consistency between the policy frameworks where possible and appropriate.]</p>		

Any Further Plan Changes Commended by THC

Revise the second introductory paragraph to the General Policies chapter to read as follows:

“It is very important that users of the Plan note that, in accordance with the Planning Act, each development proposal will be assessed on its individual planning merits. This will include each planning application being assessed against all policies and legislation relevant to the particular proposal and location. Conformity with a single policy will not necessarily indicate that a proposed development is acceptable.”

Reporter’s Conclusions

I consider that the present wording of paragraph 7.2 conveys appropriate advice for those reading the General Policies of the plan, and is sufficient for its purpose without requiring modification.

Reporter’s Recommendations

No modification.

Issue (ref and heading):	103. SETTLEMENT DEVELOPMENT AREAS	Reporter: David Russell
Development plan reference:	General Policy 1 Settlement Development Areas and supporting text 7.3-7.5, WS 32, and MB various	
Body or persons submitting a representation raising the issue (reference no.):		
Scottish Natural Heritage (697)		
Provision of the Development Plan to which the issue relates:	Policy framework relating to Settlement Development Areas identified in the Plan, and consequential references in Map Booklet.	
Council's summary of the representation(s):		
<p><u>Scottish Natural Heritage (697)</u>: The third bullet point in the supporting text states that Settlement Development Areas (SDAs) have been defined taking into account the ability of the landscape to allow for development. Specific reference elsewhere in the supporting text for this policy to regard having been had to landscape character assessment documents is welcomed. However, a cross-reference to landscape character should be within this policy itself. This would bring it into line with the Policy 3 (second bullet point) and ensure landscape character is a consideration for proposals within SDAs as well as in the definition of the SDA boundaries.</p> <p>Features of natural and cultural heritage importance occur within the SDAs but do not appear on the inset maps. This fact is recognised in the text of Policy 1 with its cross-reference there to Policy 4. However, SNH considers that more specific reference should be made in the Plan to features present in respect of each individual SDA.</p>		
Modifications sought by those submitting representations:		
<p><u>Scottish Natural Heritage (697)</u>: Within Policy 1, after the words "how compatible they are with the existing pattern of development" insert "and landscape character".</p> <p>Checking each SDA for any international and national features of natural or cultural heritage that are present within the SDA, mention those features within the Objectives list for that Settlement in the Map Booklet.</p>		
Summary of response (including reasons) by planning authority		
<p><u>Response(s) and Reasons</u></p> <p><u>Scottish Natural Heritage (697)</u>: The Council agrees with SNH that inclusion in the policy of reference to landscape character would be appropriate. As suggested, it will bring it in to line with Policy 3 (second bullet point) (or third bullet point in the Council's commended changed version of Policy 3). The Council further suggests addition to Policy 1's supporting text of a further reference to landscape character assessments, which will make it more consistent with the supporting text of Policy 3.</p> <p>The Council understands the concern raised by SNH and is happy in principle with the suggestion. The concern could equally apply to built features. It would be onerous to attempt to list all local features. The exercise should be limited to international and national</p>		

features. Features that are large in area and few in number at individual settlement level such as National Scenic Areas may be referred to specifically by individual name, whilst the presence of those that may be more numerous such as Tree Preservation Orders may more appropriately be highlighted in more general terms.

[For information, SNH also raised essentially the same two sub-issues in respect of the Sutherland Local Plan and the Council's response on that issue in respect of both Plans is the same.]

Any Further Plan Changes Commended by THC

Within Policy 1, after the words "how compatible they are with the existing pattern of development" insert "and landscape character". Additionally, in the second paragraph of supporting text, after the final sentence, add: "Where necessary the landscape character assessment for the area will also be referred to as a material consideration when examining individual development proposals."

Checking each SDA for any international and national features of natural, built or cultural heritage that are present within the SDA, refer (in specific or general terms as appropriate) to the presence of those features within the Objectives list for that Settlement in the Map Booklet.

Reporter's Conclusions

I consider that Policy 1 should be amended, as suggested by the Council, to ensure that landscape character is taken into account in determining planning applications; and I agree that this should be reflected in the supporting text at paragraph 7.4.

It is important that the local plan should provide clear and adequate protection for those features of natural, built or cultural heritage interest within the plan area which have been designated at international or national level in recognition of their importance. To be effective, I agree that the need for their protection should be reflected in the plan's stated objectives for that settlement.

Reporter's Recommendations

1. The wording of Policy 1, and the supporting text contained within paragraph 7.4, should be modified, as commended by the Council above.
2. Where a Settlement Development Area contains a natural, built or cultural heritage feature which has been designated as being of international or national importance, the objectives for that settlement should be modified to provide for its (or their) protection.

Issue (ref and heading):	104. WIDER COUNTRYSIDE	Reporter: David Russell
Development plan reference:	General Policy 3 Wider Countryside and supporting text 7.10-7.11, WS 34	
Body or persons submitting a representation raising the issue (reference no.):		
Brodies (for A Besterman) (273) Airtricity (961)		
Provision of the Development Plan to which the issue relates:	Policy framework relating to the Wider Countryside area.	
Council's summary of the representation(s):		
<p><u>Brodies (for A Besterman) (273)</u>: The third bullet point of Policy 3 should be amended with regard to the drainage constraint and servicing considerations for proposals in the wider countryside. (This representation is associated with Brodies' representation on Policy 16 "Housing in the Countryside".)</p> <p><u>Airtricity (961)</u>: Policy 3 states that developments may be 'acceptable' where they 'support communities in fragile rural areas who are having difficulties in keeping their population and services by helping to repopulate communities and strengthen services'. The policy does not adequately explain what constitutes a 'fragile area'. It is generally accepted that larger wind farm development sites are more suited to sites outwith settlement areas (as directed through Scottish Planning Policy 6) i.e. wider countryside locations but the policy does not appear to accommodate onshore wind farm development as it is considered unlikely that this type of development will 'repopulate communities and strengthen services'. The policy also does not appear to consider the impact of development outwith settlement development areas on rural communities that are not of a fragile nature. The policy continues: 'suitably designed proposals will be supported if they: do not involve infrastructure out of keeping with the rural character of the area'. Onshore wind farm development infrastructure is not indigenous to the countryside. However, this does not mean that is inappropriate in a rural location. The policy should reflect wind farm development in a rural location.</p>		
Modifications sought by those submitting representations:		
<p><u>Brodies (for A Besterman) (273)</u>: Amendment of the third bullet point to read: "adequately account for drainage constraints and can otherwise be adequately serviced particularly in terms of road access, upgrade and maintenance during construction and use of development and do not involve undue public expenditure or infrastructure out of keeping with the rural character of the area."</p> <p><u>Airtricity (961)</u>: There should be a greater explanation of what constitutes a 'fragile area' and settlements that fit this category should be listed or identified on the proposals map. Also, the policy wording should be amended as appropriate to reflect wind farm development in a rural location.</p>		
Summary of response (including reasons) by planning authority		
<u>Response(s) and Reasons</u>		
<u>Brodies (for A Besterman) (273)</u> : The Council does not agree with the changes suggested. Road access, upgrade and maintenance during construction are all issues capable of being		

dealt with via planning conditions to a planning permission. It is not necessary to specify these matters specifically in Policy 3. They can be of relevance as considerations in all locations, not just in the Wider Countryside. Proposals will also be assessed against all other relevant policies of the Local Plan and Structure Plan and regard will be had to location of the proposals and any particular planning considerations that this raises in that instance. In any case, the modifications sought by Brodies to the beginning of this bullet point in Policy 3 would change its meaning. The Council intends the part which reads “account for drainage constraints or can otherwise be adequately serviced” to refer solely to drainage matters and the need for proposals to be prepared having regard to any prevailing local constraint on that and the consideration of servicing arrangements, following General Policy 7.

Airtricity (961): The Council acknowledges that the policy would benefit from some rewording. In particular, it should be reworded to more clearly state the intended criteria for consideration, in the context of development in the wider countryside, emphasising the importance of design, referring to ‘patterns of development in the area’ rather than ‘settlement pattern’, including landscape capacity and removing the unnecessary reference to other policies in the Development Plan (which is a point covered in the introductory paragraphs to the General Policies chapter and in Introduction & Context chapter). Also, the policy could more clearly provide for the consideration of the extent to which proposals would help, if at all, to support communities in fragile areas; it is not intended that development in the wider countryside will only be permitted where it supports fragile communities, but development that does may gain particular support. However, mapping of fragile areas should not be included in this Plan. The Council has previously undertaken some mapping of ‘fragility’. Highland & Islands Enterprise (HIE) has also previously worked on mapping of fragile areas and the Council continues to work with Highland & Islands Enterprise (HIE) to develop fragile areas information. A definition of ‘fragile areas’ is given in the Plan’s glossary which assists with implementation of Policy 3. The Council is examining fragile areas as a planning policy consideration further as part of preparation of the forthcoming Highland-wide Local Development Plan (HLDP). In that regard, the Council notes that National Planning Framework 2 includes mapping of fragile areas which fits with the HIE mapping. The HLDP and associated Guidance currently being prepared by the Council will provide a more specific spatial planning framework to guide and assist the consideration of wind farm developments in accordance with SPP6 Annex A. In the interim, the Structure Plan and the Highland Renewable Energy Strategy are important to the consideration of proposals. Information on the HLDP and associated Guidance being prepared is provided in the Council’s Development Plan Scheme.

The Development Plan Scheme is available at:

<http://www.highland.gov.uk/yourenvironment/planning/developmentplans/developmentplanscheme.htm>

[For information, Airtricity also raised essentially the same issue in respect of the Sutherland Local Plan and the Council’s response on that issue in respect of both Plans is the same.]

Any Further Plan Changes Commended by THC

Rewording of Policy 3 as follows:

“Outwith Settlement Development Areas, development proposals will be assessed for the extent to which they:

- are considered acceptable in terms of design;
- are sympathetic to existing patterns of development in the area;
- are compatible with landscape character and capacity;

- avoid, where possible, the loss of locally important croft land; and
- account for drainage constraints or can otherwise be adequately serviced and do not involve undue public expenditure or infrastructure out of keeping with the rural character of the area.

Development proposals may be supported if they are judged to be not significantly detrimental under the terms of this policy. In considering proposals, regard will also be had to the extent to which they would help, if at all, to support communities in fragile areas in maintaining their population and services by helping to repopulate communities and strengthen services.”

Reporter’s Conclusions

I agree that Policy 3 should be re-worded generally along the lines commended by the Council, to provide an appropriate context for addressing proposals outwith fragile areas, as well as those within them. The term “fragile areas” is defined in the glossary, but the areas have not yet been delineated in a manner which could be reflected in the proposals map.

Policy 3 does not relate only to proposals to develop houses in the wider countryside, and it is appropriate that the existing third bullet point is not restricted to drainage servicing. The wording suggested on behalf of Mr Besterman would address this appropriately, subject to minor adjustment.

It would also be appropriate to include specific reference to the Council’s intention that proposals for renewable energy development are to be assessed against the policy framework of the approved structure plan and the non-statutory Highland Renewable Energy Strategy.

Reporter’s Recommendations

Policy 3 should be modified to read:

“Outwith Settlement Development Areas, development proposals will be assessed for the extent to which they:

- are acceptable in terms of design;
- are sympathetic to existing patterns of development in the area;
- are compatible with landscape character and capacity;
- avoid, where possible, the loss of locally important croft land; and
- would address drainage constraints and can otherwise be adequately serviced, particularly in terms of road access, without involving undue public expenditure or infrastructure that would be out of keeping with the rural character of the area.

Development proposals may be supported if they are judged to be not significantly detrimental under the terms of this policy. In considering proposals, regard will also be had to the extent to which they would help, if at all, to support communities in fragile areas in maintaining their population and services by helping to re-populate communities and strengthen services.

Renewable energy development proposals will be assessed against the policies of the approved structure plan and the non-statutory Highland Renewable Energy Strategy.”

Issue (ref and heading):	105. NATURAL, BUILT AND CULTURAL HERITAGE	Reporter: David Russell
Development plan reference:	General Policy 4 Natural, Built and Cultural Heritage and supporting text 7.12-7.21, WS 35-36	
Body or persons submitting a representation raising the issue (reference no.):		
<p>Historic Scotland (498) Scottish Natural Heritage (697) Airtricity (961) Scottish Wildlife Trust (983)</p>		
Provision of the Development Plan to which the issue relates:	Policy framework relating to consideration of impact of development on Natural, Built and Cultural Heritage features as defined in the Plan.	
Council's summary of the representation(s):		
<p><u>Historic Scotland (498)</u>: Policy 4 does not provide detailed policies and clear guidance on how the historic environment should be taken into account when making decisions on development proposals. Given this lack, there is a clear need for significant additional supplementary planning guidance (SPG) on the historic environment.</p> <p>Policy 4, as it stands, affords different levels of protection to features of different importance and thus to different categories of listed building. However, under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and NPPG18, all buildings are provided with the same level of protection. In other words, the management of the resource does not flow from its categorisation but from its identification as a listed building.</p> <p>Policy 4, as it stands, does not recognise the need to protect a historic environment feature and its setting. The text of the policy and its supporting information should be altered to include such reference.</p> <p>The sixth paragraph of the supporting text to Policy 4 states: "How sensitive these features are to development depends on their level of importance and on the nature and scale of development and the likely effect on the feature in question". However, the sensitivity of a feature is not a function of its level of importance. The issue of importance is more to do with decision-making.</p> <p><u>Scottish Natural Heritage (697)</u>: In respect of Policy 4, paragraph number 2, it is understood that the Council wishes to broadly retain the policy wording in order to apply it to all the features of national importance, rather than introducing variations of the policy wording to reflect specific national policy tests applying to particular types of feature. Therefore Scottish Natural Heritage (SNH) proposes that the first test in paragraph 25 of National Planning Policy Guidance 14 should be included under the 'Background' text for SSSIs, NNRs and NSAs in Appendix 1.</p> <p>The wording of Policy 4, paragraph number 3, is not quite compliant with the Conservation (Natural Habitats &c) Regulations 1994 as amended. Scottish Natural Heritage (SNH) objects unless the policy is amended in accordance with the wording suggested. Scottish Natural Heritage (SNH) is content to leave to the Council whether the features are listed (as at present) in the policy.</p> <p><u>Airtricity (961)</u>: With regard to renewable energy, one could argue that as the Scottish</p>		

Government have pushed the matter to the forefront of national policy, especially in relation to National Planning Framework 2 (NPF2), renewable energy schemes could be considered as 'nationally important' and, therefore, qualify for the exemption under the paragraph numbered 2 in Policy 4. However, the policy is not clear about what qualifies as social or economic benefits of national importance. Furthermore, the policy does not adequately explain what constitutes a 'fragile area'.

Scottish Wildlife Trust (983): In paragraph 7.13 of the supporting text, Sites of Local Nature Conservation Interest should be renamed Local Nature Conservation Sites and a definition given, whilst wildlife corridors and veteran trees should be included in the list of locally and regionally important features.

Regarding paragraph 7.17 of the supporting text, Scottish Wildlife Trust (SWT) does not agree that the sensitivity of these features is dependent on their level of importance.

Policy 4 places too much emphasis on a presumption for development under the paragraphs numbered 1, 2 and 3 dealing with locally and regionally, nationally and internationally important features respectively. Also, the wording of the policy is too weak and open to debate about interpretation. In respect of international sites it should be clearer about the requirements for appropriate assessment and provide that in the event of development being allowed on a site, compensatory habitat must be available to maintain the coherence of the network.

Modifications sought by those submitting representations:

Historic Scotland (498): The Local Plan should include a commitment to prepare SPG on the historic environment, and clearly identify its scope.

The wording of Policy 4 should be amended to reflect national legislation and policy for listed buildings.

In the first paragraph of Policy 4, after the first sentence, add: "Impact on historic environment features will be considered in terms of impact on both the site and setting of the feature."

In the supporting text to Policy 4, at the end of the ninth paragraph, add: "Impact on historic environment features (i.e. archaeological sites, Scheduled Ancient Monuments, listed buildings, and Gardens and Designed Landscapes) should be considered in terms of impact on both the site and setting of the feature".

The first sentence of the sixth paragraph of the supporting text to Policy 4 be amended to read "In assessing development proposals, the Council will consider the level of importance and nature of these features, the nature and scale of development, and the likely effect on the feature (including setting) in question".

Scottish Natural Heritage (697): Words to the following effect should be included under the 'Background' text for SSSIs, NNRs and NSAs in Appendix 1: "These areas are protected by national policy in that the objectives or qualities of designation and the overall integrity of the area should not be compromised".

The paragraph numbered 3 in Policy 4 should be reworded as follows:

"For features of international importance, developments likely to have a significant effect on a site will be subject to an appropriate assessment. Where we are unable to ascertain that a proposal will not adversely affect the integrity of a site, we will allow development,

provided there is no alternative solution and there are imperative reasons of overriding public interest, including those of a social or economic nature. Where a priority habitat or species (as defined in Annex 1 of the Habitats Directive) would be affected, development in such circumstances will be allowed provided that the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment, or other reasons subject to the opinion of the European Commission (via Scottish Ministers)”.

Airtricity (961): There should be a greater explanation of what constitutes a ‘fragile area’ and settlements that fit this category should be listed or identified on the proposals map.

Scottish Wildlife Trust (983): In paragraph 7.13 of the supporting text, Sites of Local Nature Conservation Interest to be renamed Local Nature Conservation Sites and a definition given, whilst wildlife corridors and veteran trees to be included in the list of locally and regionally important features.

Clarify meaning of paragraph 7.17 of the supporting text, as the sensitivity of these features is not necessarily dependent on their level of importance.

Revise Policy 4 to state a presumption against development under the paragraphs numbered 1, 2 and 3. Define ‘unacceptable impact’ in paragraph 1 and ‘not compromise the heritage resource’ in paragraph 2. Clarify paragraph 3 in respect of the requirements for appropriate assessment and state that in the unlikely event of development being allowed on an SAC, SPA or Ramsar site there must be like for like compensatory habitat must be available to maintain the coherence of the Natura network.

Summary of response (including reasons) by planning authority

Response(s) and Reasons

Historic Scotland (498): The Council is satisfied that Policy 4, read in conjunction with Appendix 1 (to which it clearly cross-refers), other relevant policies of the Development Plan and national policy and guidance, provides a sound basis for decision-making whilst being succinct and avoiding undue repetition. Policy 4 provides a common form of words and policy approach for a range of natural, built and cultural heritage features, therefore by its very nature it cannot reflect the precise legal position of each designation in the policy. Therefore, the wording of the Policy should not be amended in respect of listed buildings. There will always be a requirement for readers to consult other documents, in conjunction with this general policy. Appendix 1 provides a definition of all the features, provides background (such as, in the case of listed buildings, the basis for their listing) and indicates relevant policy framework. For information, the Council has previously adopted a similar approach to that taken in Policy 4, within the Wester Ross Local Plan, which has been developed for the purposes of this Plan.

The Council does not currently have programmed in its Development Plan Scheme the preparation of any SPG on the Historic Environment. However, as part of development of the policy framework for inclusion in the forthcoming Highland-wide Local Development Plan, there will be opportunity to consider whether any Guidance is required to supplement policy.

The Council has in fact already included, in the 2008 Deposit Draft version of Policy 4, reference to the consideration of setting that is similar to that suggested but which apply not only to features of the historic environment but to any features where that is a relevant consideration. Appendix 1 indicates in respect of a feature if that is a particular consideration. Given these references, the Council considers that further revision to the

policy or addition to the supporting text on this issue (apart from that indicated below) is unnecessary.

It is agreed that the Plan could be clearer where it refers in the supporting text to the sensitivity of features; the alternative wording suggested is clear, subject to clarifying that setting is considered where relevant.

Scottish Natural Heritage (697): Appendix 1 can be usefully embellished with information on the test referred to, enabling the Plan to retain the approach of a single policy for natural, built and cultural heritage features whilst still providing more information about how proposals will be considered in respect of individual feature types.

The Council also agrees that the wording of the Policy in respect of international sites should be modified to properly reflect the legal position, although it would be useful to retain the narrow list of feature types to which that part of the Policy applies.

Airtricity (961): In response to Airtricity, commend no change.

The wording “social or economic benefits of national importance” is taken from NPPG14 para. 25 and is a commonly used policy test. Whilst NPF2 has identified certain electricity grid reinforcements as national developments, it does not do likewise for the development of wind farms. They stand to be considered in the context of the Development Plan and SPP6, the latter clearly identifying in Annex A that spatial policies must be used to afford significant protection to areas designated for their national or international natural heritage value. In the event that Scottish Government introduces any future changes to national policy in this regard, for example through Scottish Planning Policy Part 3, then the Council will need to respond to such change.

In respect of fragile areas, the Council responds as follows and this is consistent with the Council’s response on that matter in respect of Policy 3. Mapping of fragile areas should not be included in this Plan. The Council has previously undertaken some mapping of ‘fragility’. Highlands & Islands Enterprise (HIE) has also previously worked on mapping of fragile areas and the Council continues to work with Highlands & Islands Enterprise (HIE) to develop fragile areas information. A definition of ‘fragile areas’ is given in the Plan’s glossary which assists with implementation of Policy 4. The Council is examining fragile areas as a planning policy consideration further as part of preparation of the forthcoming Highland-wide Local Development Plan (HLDP). In that regard, the Council notes that National Planning Framework 2 includes mapping of fragile areas which fits with the Highlands & Islands Enterprise (HIE) mapping.

Scottish Wildlife Trust (983): The title “Sites of Local Nature Conservation Interest” should not be changed. It is consistent with that used in other Local Plans across the Highlands and an explanation of what it covers is given in Appendix 1. Wildlife corridors and veteran trees should not be added to the list of features at present. The features listed are ones that have been identified specifically (mapped) or where there is a clear intention to do so. Policy 13 of the Local Plan, “Important Habitats”, covers wildlife corridors and may also provide a degree of protection to veteran trees, additional to any consideration under Policy 4 if they fall within one of the existing feature types.

It is agreed that the Plan could be clearer where it refers in the supporting text to the sensitivity of features and a change is commended.

The Council is satisfied that, subject to the further changes commended below, Policy 4 is appropriately worded and provides a sound basis for considering development proposals. In using the policy, regard will be had to Appendix 1 and to the other policy frameworks to

which it refers in respect of specific feature types and relevant considerations. It is not necessary to further define the terms used. Nor is it necessary to refer to compensatory habitat in respect of international site interests, as any need for this would be identified through appropriate assessment.

The Council's other Local Plans are available at:

<http://www.highland.gov.uk/yourenvironment/planning/developmentplans/localplans/>

[For information, Scottish Natural Heritage and Historic Scotland also each raised essentially the same sub-issues in respect of the Sutherland Local Plan and the Council's response on the issue in respect of both Plans is the same.]

Any Further Plan Changes Commended by THC

Insert the wording suggested by SNH under the "Background" text for SSSIs, NNRs and NSAs in Appendix 1.

Reword the paragraph numbered 3 in Policy 4 in accordance with the wording suggested by Scottish Natural Heritage (SNH) but also further modify it by including, after the words "international importance", the words "(Natura 2000 (SPA, SAC) and Ramsar sites)".

Amend the first sentence of the sixth paragraph of the supporting text to Policy 4 as suggested by Historic Scotland subject to inclusion after "setting" of the words "where appropriate".

Reporter's Conclusions

Policy 4 states that it requires to be read in conjunction with Appendix One. That sets out the legislative background in relation to the different types of features, as well as the national and structure plan policy context. It refers to the protection given to the settings of listed buildings and scheduled ancient monuments. The policy itself in the second sentence confirms that the impact of development proposals on the setting of a feature will be taken into account where appropriate. In these circumstances I consider that the approach adopted in Policy 4 is sufficient and fit for purpose.

I agree that Historic Scotland's suggested re-wording of the first sentence of paragraph 7.17 would clarify the approach which would be adopted when assessing the impact of a development, in relation to the importance and sensitivity of a feature.

I agree that references in Appendix One to Sites of Special Scientific Interest, National Nature Reserves and National Scenic Areas would be helpfully improved by inclusion of the test which is applied to development proposals by national policy.

I agree that the wording of paragraph 3 of Policy 4 should be amended to more accurately reflect the legal position with regard to proposals which may affect Natura 2000 sites. While I consider that the wording suggested above does not fully convey that position, an alternative wording was submitted subsequently by Scottish Natural Heritage in a written statement in response to a request from me seeking clarification regarding the appropriate assessment of the plan. This is detailed at Issue 101, and I consider that the recommended modification set out there in relation to this policy will address the legal position appropriately.

Individual renewable energy schemes are not designated as "national developments" in National Planning Framework 2, and it is not government policy to exempt such schemes

from the type of assessment which would be applied through Policy 4. As the reference to social or economic benefits of national importance derives from EU Directives, and the glossary to this plan defines fragile areas, I do not consider that any modification to the policy is justified in those respects. The inclusion at this stage of mapped boundaries of fragile areas would be premature and inappropriate, as the Council's consideration of this matter has not been concluded and the implications for interested parties have not been tested through consultation.

I consider that Sites of Local Nature Conservation Interest do not require to be re-named, and their basis is adequately explained in Appendix 1; and I do not consider that devising further designations to give protection to wildlife corridors or veteran trees would be justified over and above existing mechanisms such as Tree Preservation Orders or Site of Local Nature Conservation Interest.

The recommended modification below to the wording of the supporting text in relation to the importance and sensitivity of features would address the concerns of both Historic Scotland and the Scottish Wildlife Trust.

I am satisfied that the modified wording of Policy 4 (as recommended at Issue 101) would be appropriate and, given the policy's cross-reference to Appendix One, that the further amplifications sought by the Scottish Wildlife Trust are not necessary.

Reporter's Recommendations

1. The first sentence of paragraph 7.17 should be modified to read:

"In assessing development proposals, the Council will consider the level of importance and nature of these features, the nature and scale of development, and the likely effect on the feature in question including, where appropriate, its setting."

2. The references in Appendix One to Sites of Special Scientific Interest, National Nature Reserves and National Scenic Areas should be modified by adding:

"These areas are protected by national policy in that the objectives or qualities of designation and the overall integrity of the area should not be compromised".

Issue (ref and heading):	106. AFFORDABLE HOUSING	Reporter: David Russell
Development plan reference:	General Policy 5 Affordable Housing and supporting text 7.22-7.23, SUPPLEMENTARY PLANNING GUIDANCE 37	
Body or persons submitting a representation raising the issue (reference no.):		
G H Johnston Ltd (for the Conaglen Estate per Broadland Properties Ltd) (510) White Young Green (for Ewen Gillies Builders) (630)		
Provision of the Development Plan to which the issue relates:	Policy framework relating to requirements for Affordable Housing provision.	
Council's summary of the representation(s):		
<p><u>G H Johnston Ltd (for the Conaglen Estate per Broadland Properties Ltd) (510)</u>: The application of the Policy to every fourth dwelling granted permission across the whole ownership as set out in the last paragraph of the policy gives concern, particularly as that does not feature in the Council's Draft Affordable Housing Guidance. This part of the Plan has no proper basis or justification and it would be unreasonable to apply it across all the potential opportunities on the Conaglen Estate which range in scale and are strung out over a distance. It is understood that a precedent has been set for lowering the threshold to 4 dwellings on a site by site basis in other recent Local Plans. However, the last paragraph of Policy 5 goes beyond that and would not encourage the Estate to make sites available for the development of single or small groups of houses.</p> <p><u>White Young Green (for Ewen Gillies Builders) (630)</u>: It is noted that market and site conditions may justify a higher affordable housing contribution than the normal minimum of 25%, elaborated upon by the Council's Draft Guidance which states that a higher level may be expected where there are significant levels of demand and restricted supply. However no upper threshold is given, which adds to uncertainty for developers in purchasing sites and preparing proposals. Furthermore, it is common practice for a reduction in provision to be allowed if there are abnormally high land preparation costs such as remediating contamination or providing significant levels of infrastructure for the wider benefit of the area; the irregularities within the housing supply should not be ignored. Flexibility is currently not explicitly available in the Plan.</p>		
Modifications sought by those submitting representations:		
<p><u>G H Johnston Ltd (for the Conaglen Estate per Broadland Properties Ltd) (510)</u>: Delete the last paragraph of Policy 5.</p> <p><u>White Young Green (for Ewen Gillies Builders) (630)</u>: Articulate an upper threshold for provision and also allow for a reduction in the requirement where viability of a development scheme is threatened.</p>		
Summary of response (including reasons) by planning authority		
<u>Response(s) and Reasons</u>		
<p><u>G H Johnston Ltd (for the Conaglen Estate per Broadland Properties Ltd) (510)</u>: The provision in the last paragraph of the policy that the affordable housing requirement should apply across a landownership is a reasonable response by the Council to the needs of rural areas. This is especially the case in areas where the land ownerships of estates are extensive and include land in and around settlements, townships and in the wider countryside and individual development proposals typically comprise one, two or three dwellings on land that often is not part of a housing allocation. SUPPLEMENTARY PLANNING GUIDANCE 3 paragraph 94 indicates that approaches required to address affordable housing need in rural areas should be set out by the Council. Whilst this particular provision is not specified in the Council's now finalised Affordable Housing</p>		

SUPPLEMENTARY PLANNING GUIDANCE, it is reasonable for the provision to be introduced by the Local Plan for a particular area. The provision includes some flexibility, allowing owners to offer “off-site” provision within settlements.

White Young Green (for Ewen Gillies Builders) (630): As is stated in the Council's Affordable Housing SPG, in line with Planning Advice Note 74 the Council expect the level of affordable housing to be a minimum of 25% of the total number of houses proposed (referred to in PAN 74 as the benchmark level). The SPG goes on to say that a higher level of contribution may be expected in areas where high levels of demand exist and land supply is restricted, and that these higher levels could be identified through individual Local Development Plans or site specific Development Briefs. The Council does not consider it to be appropriate to set an upper threshold that could limit its ability to negotiate on an individual proposal with a view to addressing specific needs and under particular circumstances. However, it would be a matter of negotiation and if the developer demonstrates that the level of contribution would make the site unviable then the Council would have regard to that in terms of its impact on the effectiveness of the housing land supply.

The Council acknowledges that PAN 74, paragraph 46 advises that where there are exceptional costs, the requirement for affordable housing may need to be reduced to ensure the cumulative burden on the overall development does not make site development unviable. However, PAN 74 indicates that this is in circumstances where the developer can demonstrate that there are exceptional costs. Policy 5 does say that the contribution will “normally” be a minimum of 25%, it indicates that the process involves “negotiations” and that they will be subject to “market and site conditions”. The Council considers that the Plan provides an appropriate policy framework and a suitably robust basis for negotiation and would not wish that to be weakened by wording that may encourage developers to try to negotiate reduction in requirements as a matter of course.

The Council's Affordable Housing Supplementary Planning Guidance, in its finalised form, is available at:

<http://www.highland.gov.uk/yourenvironment/planning/developmentplans/developmentplanpolicyguidance/>

Any Further Plan Changes Commended by THC

None.

Reporter's Conclusions

The continued supply of affordable housing is important for the economic viability and social cohesion of rural areas. In remoter rural areas where there are large estates in single ownership and a dispersed housing pattern, the problems of securing such a supply are exacerbated. In these circumstances, I consider that the pragmatic and flexible approach embodied in the final paragraph of Policy 5 is an appropriate policy response, and should not inhibit housing development.

I am also satisfied that the policy is sufficiently flexible for the contribution to affordable housing from any particular development to be higher or lower than 25%, where justified through negotiations by either the planning authority or the developer in terms of need, demand, or financial viability. I do not consider that the policy should be more prescriptive.

Reporter's Recommendation

No modification.

Issue (ref and heading):	107. DESIGNING FOR SUSTAINABILITY	Reporter: David Russell
Development plan reference:	General Policy 6 Designing for Sustainability and supporting text 7.24-7.29, WS 38	
Body or persons submitting a representation raising the issue (reference no.):		
Scottish Environment Protection Agency (446) Airtricity (961)		
Provision of the Development Plan to which the issue relates:	Policy framework relating to requirements for Designing for Sustainability.	
Council's summary of the representation(s):		
<p><u>Scottish Environment Protection Agency (446)</u>: Scottish Environment Protection Agency (SEPA) welcomes the explanation in the Plan of how the Council will, in the near future, update its Development Plan Policy Guideline (DPPG) on Designing for Sustainability. It is Scottish Environment Protection Agency's (SEPA) understanding that this will include a section on when a sustainable design statement will be required. For the avoidance of doubt and to provide clarity to developers, the word 'normally' should be deleted from the policy.</p> <p><u>Airtricity (961)</u>: The policy wording does not tie back successfully to Structure Plan policy G2. Policy 6 is unclear about whether the statement it requires to be submitted will be additional to the statutory design and access statement to be required in due course under the new Planning Act. The Council may need to review its DPPG in the light of National Planning Framework 2 and the newly emerging single Scottish Planning Policy document.</p>		
Modifications sought by those submitting representations:		
<p><u>Scottish Environment Protection Agency (446)</u>: The word 'normally' should be deleted from Policy 6.</p> <p><u>Airtricity (961)</u>: Rewording of Policy 6 to tie back to Structure Plan policy G2 and to clarify whether the statement it requires will be additional to the statutory design and access statement. (Implied, but no alternative wording suggested.)</p>		
Summary of response (including reasons) by planning authority		
<p><u>Response(s) and Reasons</u></p> <p><u>Scottish Environment Protection Agency (446)</u>: The Council agrees that removal of the word 'normally' would clarify the policy. The policy refers to submission of statements in line with the Council's guideline. Through any necessary revision to the guideline and through information provided in association with the roll-out of its implementation, the Council will establish and make clear which development proposals will be required to be accompanied by a statement. Some additional wording is therefore suggested for inclusion in the policy to clarify this.</p> <p>[For information, Scottish Environment Protection Agency (SEPA) also raised essentially the same sub-issue in respect of the Sutherland Local Plan and the Council's response on</p>		

that issue in respect of both Plans is the same.]

Airtricity (961): No change to the Plan. The Council's DPPG relates directly to the Structure Plan policy, which is referred to in the supporting text to Policy 6 and which appears on the following page of the Local Plan for information. The requirements of Structure Plan policy G2 are clearly addressed by the DPPG and the Local Plan policy requires the implementation of the DPPG. They should be read together. The Council is revisiting its guideline currently, bearing in mind the new statutory requirements for design and access statements which will be required for certain developments from 3 August 2009. The Council will, in the interests of streamlining the planning process, seek to align them where appropriate and generally avoid requiring submission of duplicate information. The Council will also review the guideline if necessary in response to changes in national policy.

The Council's DPPG is available at:

<http://www.highland.gov.uk/yourenvironment/planning/developmentplans/developmentplanpolicyguidance/>

Any Further Plan Changes Commended by THC

Delete 'normally' from Policy 6 but also insert 'implementation of the' to read thus:

"We will judge development proposals against a 'Design for Sustainability' statement which we will require developers to submit with their planning applications in line with the implementation of the Development Plan Policy Guideline on Designing for Sustainability."

Reporter's Conclusions

I consider that a re-wording of the policy to clarify the function of Design for Sustainability statements would be helpful, but should also confirm that the requirement to submit such a statement does not apply to all proposals, as minor developments would be excluded from this.

The supporting text at paragraph 7.24 clearly relates this policy to Policy G2 of the structure plan, and not to the new statutory design and access statements.

Reporter's Recommendations

Policy 6 should be modified to read: "We will judge development proposals against a 'Design for Sustainability' statement where developers have been required to submit one with their planning application in line with the implementation of the Development Plan Policy Guideline on Designing for Sustainability."

Issue (ref and heading):	108. WASTE WATER TREATMENT	Reporter: David Russell
Development plan reference:	General Policy 7 Waste Water Treatment and supporting text 7.30-7.31, WS 40	
Body or persons submitting a representation raising the issue (reference no.):		
Scottish Environment Protection Agency (446) White Young Green (for Ewen Gillies Builders) (630)		
Provision of the Development Plan to which the issue relates:	Policy framework relating to arrangements for Waste Water Treatment for new development.	
Council's summary of the representation(s):		
<p><u>Scottish Environment Protection Agency (446)</u>: Policy 7 should be revised to make foul drainage requirements clear to developers (wording is suggested). Scottish Environment Protection Agency (SEPA) considers that this policy wording would make requirements for suitable foul drainage for all allocations explicit and therefore that generally the requirements do not need to be inserted in Developer Requirements for individual sites. However, SEPA does seek inclusion of a developer requirement for connection to the public sewer for each allocation of 25 or more units and for certain other allocated sites (identified by SEPA in its representation). SEPA considers that if a sustainable foul drainage solution is not feasible for an allocation then it is not a sustainable location for a development. In respect of a further list of allocated sites (identified by SEPA in its representation) SEPA seeks a developer requirement for a public sewer connection or interim private arrangement that will be compatible with and make a future public connection/ scheme more feasible.</p> <p><u>White Young Green (for Ewen Gillies Builders) (630)</u>: Policy 7 should allow for the provision of temporary private treatment works in instances where improvements to the public network are known to be forthcoming but as yet incomplete. This is considered to be a sensible measure given the typically lengthy time periods involved in upgrading waste water treatment works and the need to meet both housing targets within the plan period and affordable housing shortages in the locality.</p>		
Modifications sought by those submitting representations:		
<p><u>Scottish Environment Protection Agency (446)</u>: Reword Policy 7 as follows:</p> <p>"Connection to the public sewer as defined in the Sewerage (Scotland) Act 1968 is required for all new development proposals: -either in settlements identified in the plan with a population equivalent of more than 2000; or -wherever single developments of 25 or more units are proposed.</p> <p>In all other cases a connection to the public sewer will be required, unless the applicant can demonstrate that:</p> <ol style="list-style-type: none"> 1) the development is unable to connect to a public sewer for technical or economic reasons; and 2) that the proposal is not likely to result in or add to significant environmental or health problems. 		

The Council's preference is that any private system should discharge to land rather than water.

For all proposals where connection to the public sewer is not currently feasible and Scottish Water has confirmed public sewer improvements or first time public sewerage within its investment programme that would enable the development to connect, a private system would only be supported if:

- the system is designed and built to a standard which will allow adoption by Scottish Water;
- the system is designed such that it can be easily connected to a public sewer in the future.

Typically this will mean providing a drainage line up to a likely point of connection. The developer must provide Scottish Water with the funds which will allow Scottish Water to complete the connection once the sewerage system has been upgraded."

Generally, remove the Developer Requirements for individual sites which specify foul drainage arrangements required. Include a developer requirement for connection to the public sewer for each allocation of 25 or more units and for certain other allocated sites (identified by SEPA in its representation). In respect of a further list of allocated sites (identified by SEPA in its representation) include a developer requirement for a public sewer connection or interim private arrangement that will be compatible with and make a future public connection/ scheme more feasible.

White Young Green (for Ewen Gillies Builders) (630): Policy 7 should allow for the provision of temporary private treatment works in instances where improvements to the public network are known to be forthcoming but as yet incomplete.

Summary of response (including reasons) by planning authority

Response(s) and Reasons

Scottish Environment Protection Agency (446): The Council agrees with the suggested rewording of Policy 7. It will be clearer about the arrangements required for foul drainage and generally will be more effective at enabling and/ or achieving connection to the public sewer, whilst enabling some development to be served by private systems if necessary and appropriate and temporary private systems of a suitable standard under given circumstances. The Council agrees that this will enable developer requirements for individual sites to be removed from the Plan. The Council's response to SEPA's request for the inclusion of particular developer requirements for certain allocated sites is reported under the relevant 'site' issues and under the "General" Issue.

White Young Green (for Ewen Gillies Builders) (630): Policy 7 already provides for temporary private systems. Furthermore the Council considers that SEPA's suggested reworded version of the policy, which the Council commends as a change to the Plan, provides appropriately for temporary private systems and no additional change would be required to the Plan beyond that.

[For information, SEPA also raised essentially the same issue in respect of the Sutherland Local Plan and the Council's response on that issue in respect of both Plans is the same.]

Any Further Plan Changes Commended by THC

Modify Policy 7 to read as suggested by SEPA.

Remove developer requirement for individual sites where indicated by SEPA as not

required. (See also any relevant commended changes reported under relevant 'site' issues and under the "General" Issue.)

Reporter's Conclusions

I agree that greater clarity and certainty for potential developers would be provided if the wording of the policy is amended in the terms suggested by The Scottish Environment Protection Agency. This will enable the developer requirements for particular sites and settlements to be adjusted to accord with the modified policy (see Issue 101).

I consider that the policy provides appropriately for the provision of temporary private systems to enable development to proceed in advance of programmed provision by Scottish Water.

Reporter's Recommendations

Modify the wording of Policy 7, as suggested above by the Scottish Environment Protection Agency.

Issue (ref and heading):	109. WASTE MANAGEMENT	Reporter: David Russell
Development plan reference:	General Policy 8 Waste Management and supporting text 7.32-7.34, WS 41	
Body or persons submitting a representation raising the issue (reference no.):		
Scottish Environment Protection Agency (446)		
Provision of the Development Plan to which the issue relates:	Policy framework relating to Waste Management including existing sites, new facilities and considerations for new development.	
Council's summary of the representation(s):		
<p>In order to bring the Policy fully in line with the National Waste Plan, National Waste Strategy and Scottish Planning Policy 10 "Planning and Waste Management" (SPP10) further revisions are required. In assessing proposals, regard should be had to SEPA's Thermal Treatment Guidelines where relevant. The Plan should also provide clearer policy context for the consideration of proposals on, or which may affect, existing or former waste management sites.</p> <p>SPP10 is likely to be superseded prior to the Reporter's Report of the Examination by the forthcoming Scottish Planning Policy: Part Three. Policy references to SPP10 should therefore be amended at that time to reflect this change in national policy and ensure the final policy wording is up to date.</p> <p>The Plan's glossary should be updated to include reference to waste management facilities.</p>		
Modifications sought by those submitting representations:		
<p>Revision of the first sentence of the policy to include reference to SEPA's Thermal Treatment Guidelines, to read:- ".....the National Waste Strategy, SPP10 and where relevant SEPA's Thermal Treatment Guidelines".</p> <p>Replacement of the penultimate paragraph of the policy with the following:</p> <p>"Existing or former waste management facilities and their sites shall be safeguarded. Development proposals on or adjacent to the site of such a facility will be assessed against the National Waste Strategy, the National Waste Plan, and the Area Waste Plan, and will be subject to consultation with SEPA. If the proposed development would adversely affect the operation of the waste management facility, or would be likely to cause the site of the facility to be unavailable or unsuitable for future waste management purposes for which it will be required, the proposed development will not be favoured."</p> <p>Policy references to SPP10 to be amended at the time of the new SPP Part 3 coming into force, to reflect this change in national policy and ensure the final policy wording is up to date.</p> <p>Updating of the Plan's glossary to include: "Waste management facilities- for the purposes of this Plan and specifically Policy 8, facilities for the treatment and disposal of municipal and commercial waste, including (but not limited to) waste transfer stations and recycling centres."</p>		

Summary of response (including reasons) by planning authority

Response(s) and Reasons: The Council agrees that the Policy would benefit in this instance from the more comprehensive cross-referencing to material considerations, specifically to SEPA's guidelines that will be considered for such proposals as energy-from-waste plants.

The Council further agrees with the suggestion that the Policy could be clearer in its reference to the safeguarding of existing or former waste management sites and set out clearly how they will be considered in development proposals, including the circumstances in which development will be permissible. In doing so, the Policy should provide a context for considering not only proposals for redevelopment of such sites but any development proposals on or adjacent to such sites, the latter being absent from the Policy as currently written.

It is particularly useful therefore to define what is meant by 'waste management facilities' for the purposes of this Policy in the glossary and the definition suggested is suitable.

It would indeed be desirable to appropriately update references to national policy if it is replaced, particularly if that can be done with ease because the new national policy does not differ in a material way that raises conflict with the approach taken in the Plan. If updating references, it would be appropriate to do this not only in the Policy but to update such references in all parts of the Plan for consistency. [For information, SEPA also raised essentially the same issue in respect of the Sutherland Local Plan and the Council's response on that issue in respect of both Plans is the same.]

Any Further Plan Changes Commended by THC

Modification of Policy 8 and the Plan's glossary, exactly as requested by SEPA.

In the event that SPP Part 3 is finalised before the Plan is, any appropriate updating of references to national policy in any part of the Plan.

Reporter's Conclusions

I agree that it is appropriate that Policy 8 should be amended, as suggested by the Scottish Environment Protection Agency, to ensure that it is consistent with national policy. The full version of Scottish Planning Policy has now been published by the Scottish Government, and has replaced SPP10.

The inclusion in the Glossary of the suggested definition of "waste management facilities" would provide helpful clarification.

The general scope for making non-material modifications to the plan, which would include updating references to national policy, is highlighted in our letter at the start of this report.

Reporter's Recommendations

1. Modify the first sentence and the penultimate paragraph of Policy 8, as suggested above by the Scottish Environment Protection Agency, except that the reference to SPP10 should be changed to "Scottish Planning Policy".

2. Modify the Glossary to include the definition of "Waste management facilities" suggested above by the Scottish Environment Protection Agency.

Issue (ref and heading):	110. FLOOD RISK	Reporter: David Russell
Development plan reference:	General Policy 9 Flood Risk and supporting text 7.35-7.37, WS 42	
Body or persons submitting a representation raising the issue (reference no.):		
Scottish Environment Protection Agency (446)		
Provision of the Development Plan to which the issue relates:	Policy framework relating to Flood Risk as a development consideration.	
Council's summary of the representation(s):		
<p><u>Scottish Environment Protection Agency (446)</u>: In order to fully comply with Scottish Planning Policy 7 "Planning and Flooding" (SPP7), Policy 9 should be modified as suggested. SEPA notes that SPP7 is likely to be superseded prior to the Reporter's Decision Letter by the forthcoming Scottish Planning Policy: Part Three. Therefore SEPA recommends that policy references to SPP7 are amended at that time to reflect this change in national policy and ensure the final policy wording is up to date. For the avoidance of doubt SEPA recommends that the explanation of medium to high flood risk areas in the supporting text is amended as suggested and would welcome this explanation included within the Glossary as well.</p> <p>For certain allocated sites (identified by SEPA in its representation) SEPA seeks one or more of the following:</p> <ul style="list-style-type: none"> • inclusion of specific developer requirements (dependent on site circumstances and/or intended use); • modification of allocation boundaries; • various other changes to the text for the site in its reference to flood risk matters; • the undertaking of flood risk assessment at this stage to determine the suitability of the site for allocation, or otherwise deletion of the site. 		
Modifications sought by those submitting representations:		
<p><u>Scottish Environment Protection Agency (446)</u>: Revise Policy 9 to read:</p> <p>"Development proposals should avoid areas susceptible to flooding.</p> <p>Development proposals within or bordering medium to high flood risk areas, will need to demonstrate compliance with Scottish Planning Policy 7 "Planning and Flood Risk" through the submission of a Flood Risk Assessment.</p> <p>Development proposals outwith the medium to high flood risk areas may be acceptable. However, where better local flood risk information and/or the sensitivity of the proposed use suggest(s) otherwise, a Flood Risk Assessment which demonstrates compliance with SPP7 will be required.</p> <p>Developments may also be possible where they are in accord with the flood prevention or management measures as specified within a Local Plan allocation or a Development Brief. Any developments, particularly those on the flood plain, should not compromise the objectives of the EU Water Framework Directive."</p>		

In the supporting text to Policy 9, amend the explanation of medium to high flood risk areas to state "...medium to high flood risk areas (1 in 200 or greater than 0.5% annual probability of flooding)" and add that explanation to the Plan's Glossary as well.

Policy references to SPP7 to be amended at the time of the new SPP Part 3 coming into force, to reflect this change in national policy and ensure the final policy wording is up to date.

Inclusion of specific developer requirements for certain allocated sites (identified by SEPA in its representation) dependent on site circumstances and/ or intended use:

- For some, inclusion of the requirement: "Flood Risk Assessment will be required, built development to avoid flood risk area."
- For some, inclusion of the requirement: "Flood Risk Assessment will be required, built development to avoid flood risk area. Only water-related or harbour uses would be acceptable within flood risk areas."

Modification of the allocation boundaries for certain allocated sites (identified by SEPA in its representation) to exclude the medium to high flood risk areas.

Various other changes to the text for certain allocated sites (identified by SEPA in its representation) in their reference to flood risk matters.

The undertaking of flood risk assessment at this stage for certain allocated sites (identified by SEPA in its representation) to determine the suitability of those sites for allocation, or otherwise deletion of the sites.

Summary of response (including reasons) by planning authority

Response(s) and Reason

Scottish Environment Protection Agency (446): The Council agrees with the suggested rewording of Policy 9. This will provide clarity, aligning the policy better to SPP7 whilst avoiding unnecessary repetition of that national policy. It will strengthen and promote the application of the flood avoidance principle.

It would indeed be desirable to appropriately update references to national policy if it is replaced, particularly if that can be done with ease because the new national policy does not differ in a material way that raises conflict with the approach taken in the Plan. If updating references, it would be appropriate to do this not only in the Policy but to update such references in all parts of the Plan for consistency.

The suggested amendment to the supporting text of Policy 9 will clarify its meaning, and inclusion additionally in the Glossary would be sensible.

The Council's response to SEPA's requests in respect of certain allocated sites is reported under the relevant 'site' issues and under the "General" Issue.

[For information, SEPA also raised essentially the same issue in respect of the Sutherland Local Plan and the Council's response on that issue in respect of both Plans is the same.]

Any Further Plan Changes Commended by THC

Modify Policy 9 and add to its supporting text and to the Glossary exactly as suggested by SEPA.

In the event that SPP Part 3 is finalised before the Plan is, any appropriate updating of references to national policy in any part of the Plan.

(See also any relevant commended changes reported under relevant 'site' issues and under the "General" Issue.)

Reporter's Conclusions

I agree that the amended wording of Policy 9, suggested by the Scottish Environment Protection Agency, would provide greater clarity for potential developers and be consistent with national policy on developments within areas of flood risk. However, it should now refer to "Scottish Planning Policy" rather than to Scottish Planning Policy 7 'Planning and Flood Risk' or to SPP7.

The suggested amendment to the supporting text would provide additional clarity; and inclusion within the Glossary of the suggested definition of medium to "high flood risk areas" would be helpful.

The suggested modifications to specific site boundaries, and to the developer requirements for individual sites, are considered at Issue 101 where the question of undertaking flood risk assessments at this stage for the contentious sites is also addressed.

Reporter's Recommendations

1. Modify the terms of Policy 9 by replacing it with the wording suggested above by the Scottish Environment Protection Agency, but subject to the amended references to Scottish Planning Policy.

2. Modify paragraph 7.35 to replace the definition of medium to high flood risk areas with the following:

“(1 in 200 or greater than 0.5% annual probability of flooding)”.

3. Modify the Glossary to include the above definition.

Issue (ref and heading):	111. PHYSICAL CONSTRAINTS	Reporter: David Russell
Development plan reference:	General Policy 10 Physical Constraints and supporting text (Other Development Considerations) 7.38-7.39, WS 43	
Body or persons submitting a representation raising the issue (reference no.):		
Scottish Environment Protection Agency (446) Transport Scotland (859) Airtricity (961)		
Provision of the Development Plan to which the issue relates:	Policy framework relating to various Physical Constraints as development considerations, as identified in the Plan.	
Council's summary of the representation(s):		
<p><u>Scottish Environment Protection Agency (446)</u>: Revisions are required to ensure that the Policy:</p> <ul style="list-style-type: none"> • safeguards existing waste sites; • in respect of land with possible contamination issues- provides clearer guidance to developers and brings it in line with best practice in respect of water environment considerations, and ensures measures which can actually be implemented are agreed prior to any activity on the site to ensure any contamination is dealt with adequately. <p><u>Transport Scotland (859)</u>: The Scottish Government has a policy of a presumption against new junctions on the trunk road network. This is set out and explained in national policy and advice, in Scottish Planning Policy 17 and Planning Advice Note 66 respectively. The Plan does not include a clear statement on that policy nor does it include it as a physical constraint in Policy 10.</p> <p><u>Airtricity (961)</u>: The Policy provides guidance to developers on constraints that should be observed when proposing a development. This includes a constraint of 'within 1000m of large wind generators'. There is no indication of what would constitute a 'large' wind generator. Scottish Planning Policy 6 suggests a separation distance between settlements and large scale wind farms as a guide but does not state that a development embargo should be implemented with a 1000m radius of a large scale wind farm.</p>		
Modifications sought by those submitting representations:		
<p><u>Scottish Environment Protection Agency (446)</u>: Add to the fifth bullet point: "(Regard must be had to the safeguarding of waste management sites as well as to any potential impact that the operation of facilities on such a site might have on the proposed development)".</p> <p>Modify the final sentence of Policy 10 from "...controlled waters..." to "...the water environment..." and also modify that sentence from "...the site prior to any further occupation.)" to "... the site prior to development.)"</p> <p><u>Transport Scotland (859)</u>: Include the policy of a presumption against new junctions on the trunk road network as an additional physical constraint in Policy 10.</p> <p>Include the following statement within the Plan's Written Statement:</p> <p>"It should be noted that there is a Scottish Government policy of a presumption against new junctions on the trunk road network. Where a new or significantly improved junction is proposed to facilitate development, within the transport accessibility assessment for a specific land use allocation, appropriate justification of such a strategy will require to be</p>		

provided in support of such an access strategy. This will enable Transport Scotland to determine if such a justification is sufficient to set aside this policy.”

Airtricity (961): Delete from the policy the constraint of ‘within 1000m of large wind generators’.

Summary of response (including reasons) by planning authority

Response(s) and Reasons

Scottish Environment Protection Agency (446): Revise the policy wording as suggested. The modification in respect of waste sites would be a sensible improvement and reflect changes commended by the Council to Policy 8. The modifications on the matter of possibly contaminated land would likewise be sensible improvements to the policy, for the reasons stated by SEPA.

Transport Scotland (859): No change. The plan already indicates in the supporting text to Policy 19 “Travel” that regard will be had to national transport policies and priorities in implementing the plan. It is not necessary for the Local Plan to repeat individual policies from other documents. It should be noted that Policy 10 currently refers to Trunk Roads, together with A Roads and Rail Lines- as constraint features in general terms and in so doing relates to the Background Map (in the Map Booklet) entitled “Road and Rail Buffers”. This mechanism helps to highlight at Local Plan level some considerations for development, which are set out in more general and strategic terms in Structure Plan Policy G2.

Airtricity (961): No change. The policy lists constraints and asks for appropriate consultation and mitigation. It does not carry an automatic negative policy presumption. In any case, in respect of wind energy its intent is to safeguard the operational efficiency of approved and constructed wind farms in the consideration of adjacent proposed developments or other land use changes, in accordance with Structure Plan Policy E3.

Any Further Plan Changes Commended by THC

Modification of Policy 10 exactly as requested by SEPA.
No other changes.

Reporter’s Conclusions

I agree that the amendments to the policy sought by the Scottish Environment Protection Agency would provide helpful clarification.

I also consider that it is appropriate that this policy should advise developers that there is a national policy presumption against new junctions onto trunk roads, and that they will be required to set out a justification for setting aside that presumption. (See also Issue 101)

I consider that the presence of an existing or a proposed wind farm, or of large wind turbines, does represent a potential physical constraint which may affect developments and could require mitigation measures. However as the size of turbines varies, and is tending to get larger, a specific separation distance should not be quoted. The implications for any new development should be assessed on a case by case basis.

Reporter’s Recommendations

1. Modify the fourth bullet point in relation to waste management sites, and the final sentence relating to land with possible contamination issues, as suggested above by the Scottish Environment Protection Agency.

2. Modify the 14th bullet point by adding: “(As there is a national policy which creates a presumption against creating new junctions onto trunk roads, developers will be required to justify it being set aside.)”

3. Modify the second bullet point of Policy 10 to read: “Wind farms or large wind turbines”.

Issue (ref and heading):	112. DEVELOPER CONTRIBUTIONS	Reporter: David Russell
Development plan reference:	General Policy 15 Developer Contributions and supporting text 7.44-7.46, Scottish Government 47-48	
Body or persons submitting a representation raising the issue (reference no.):		
<p>Highlands & Islands Enterprise (495) G L Hearn (for Co-operative Group) (515) White Young Green (for Ewen Gillies Builders) (630) Theatres Trust (635) Airtricity (961)</p>		
Provision of the Development Plan to which the issue relates:	Policy framework relating to requirements for Developer Contributions from new development.	
Council's summary of the representation(s):		
<p><u>Highlands & Islands Enterprise (495)</u>: The range of potential contributions is too wide and so it is simply not possible for any potential development to accurately gauge the level of contributions which will be sought from them. Furthermore, it is suggested that Policy 15 make explicit reference to the potential reduction in developer contributions where development costs on allocated sites are abnormally high (for example due to ground conditions). This is to avoid potential developers being put off and development potential thus being stifled. (See also "General" Issue 101.)</p> <p><u>G L Hearn (for Co-operative Group) (515)</u>: Policy 15 fails to provide certainty as to the circumstances where the Council will seek developer contributions. The policy should be amended to clarify that developers will only be required to make developer contributions where development will create or exacerbate deficiencies in, or impose significantly increased burdens on existing infrastructure. The policy should also be strengthened by clarifying the manner in which the Council will seek to determine the nature and scale of any developer contribution. In this respect it is suggested that the policy is amended to make reference to the provisions of 'Circular 12/96 – Planning Agreements' as it will provide developers with confidence that any development contribution sought, as detailed in the policy, will meet the relevant tests as outlined in this Circular.</p> <p><u>White Young Green (for Ewen Gillies Builders) (630)</u>: Whilst Policy 15 states that the Council will seek appropriate developer contributions proportionate to the scale, nature, impact and planning purposes associated with the development, a degree of uncertainty still exists as to what the legitimate expectations of the Council will be with regard to the level of contributions required. Care should be taken not to compromise the overall viability of proposals in areas which, although in need of additional facilities, are also in need of development.</p> <p><u>Theatres Trust (635)</u>: It is noted that 'community facilities' are included in the list of potential developer contributions but it is not clear what comprises 'community facilities' and whether it includes leisure facilities. The Theatres Trust recognises the importance of developer contributions to assist the owners of leisure venues to become more self-reliant and obtain better buildings by using the planning system and working with the private sector. The Theatres Trust are concerned that such buildings do not benefit appropriately under the terms of developer contributions and that it will increasingly be necessary to unlock new sources of funding to help pay for significant improvements to them. (See also</p>		

“General” Issue 101.)

Airtricity (961): Policy 15 states that ‘the Council will seek appropriate developer contributions in association with development proposals’ and the level of contribution will be ‘proportionate to the scale, nature, impact and planning purposes associated with the development’. While it is implied through this policy that the developer contributions referred to are applicable to residential development this is not explicit in the text that this is the only type of development that this policy could be applied to and therefore it could also be applied to wind farm development. Firstly, it should be reminded that for wind farm development there is no legal obligation for the developer to make any voluntary financial payment to either the local community or the appropriate planning authority. Secondly, there needs to be a clear distinction made between community benefit and developer contributions (payment made to the planning authority). Any contribution made to a community should not be used to replicate a service that would otherwise be provided by the Council or Government. A developer contribution on the other hand would financially assist in the provision of a service provided by the Council or government. At present, the Plan is ambiguous and subjective.

Modifications sought by those submitting representations:

Highlands & Islands Enterprise (495): Policy 15 to make explicit reference to the potential reduction in developer contributions where development costs on allocated sites are abnormally high (for example due to ground conditions).

G L Hearn (for Co-operative Group) (515): Modification of Policy 15 to clarify that developers will only be required to make developer contributions where development will create or exacerbate deficiencies in, or impose significantly increased burdens on existing infrastructure. Strengthening of the policy by clarifying the manner in which the Council will seek to determine the nature and scale of any developer contribution. In this respect, amendment of the policy to make reference to the provisions of ‘Circular 12/96 – Planning Agreements’.

White Young Green (for Ewen Gillies Builders) (630): Modification of Policy 15 to state that developer contributions are required to be prepared and agreed with all relevant parties and subject to appropriate levels of discussion and consultation.

Theatres Trust (635): Condense the description of potential recipients for developer contributions to – community facilities that provide for the health, welfare, social, educational, leisure and cultural needs of the community.

Airtricity (961): The Plan should clarify: that for wind farm development there is no legal obligation for the developer to make any voluntary financial payment to either the local community or the appropriate planning authority; that there needs to be a clear distinction made between community benefit and developer contributions.

Summary of response (including reasons) by planning authority

Response(s) and Reasons

Highlands & Islands Enterprise (495): It is to be expected that the range of potential developer contributions is wide. The supporting text to Policy 15 explains that the Council is moving towards a position where its Local Plans will provide specific information on the anticipated deficiencies to be met and mitigation to be provided through developments. This information will be developed further through preparation of the new-style Local

Development Plans within the context to be provided by the forthcoming Supplementary Guidance on Developer Contributions, which is being prepared by the Council as is referred to in its Development Plan Scheme. This will help to provide greater certainty about requirements for particular areas, settlements and sites. The Council considers that an 'across the board' reduction of developer contributions in the whole or parts of the Plan area would not be appropriate given that contributions are sought to address deficiencies created or magnified by developments, which are not lessened by the level of development costs of the site. However, the Council is agreeable to modification of Policy 15 to provide for reduction if exceptional/ abnormal development costs can be demonstrated by open book accounting.

G L Hearn (for Co-operative Group) (515): The Council considers that the Plan does not require modification in response to this objection. The supporting text to Policy 15 refers to the policy underpinning the principle of "proportionate" developer contributions, secured through a Section 75 "Agreement" where necessary. The forthcoming Supplementary Guidance on Developer Contributions will indicate the process for consideration and for reaching agreement such that a development proposal may proceed. In preparing the Supplementary Guidance the Council will have regard to prevailing national advice and to good practice. Furthermore, the Council is moving towards a position where its Development Plans will provide specific information on the anticipated deficiencies to be met.

White Young Green (for Ewen Gillies Builders) (630): The Council does not agree with the modifications to the Policy suggested by the objector. The Policy is correct. The forthcoming Supplementary Guidance on Developer Contributions will indicate the process for consideration and for reaching agreement such that a development proposal may proceed. In terms of viability, the Council agrees that the Policy could be modified to provide for reduction if exceptional/ abnormal development costs can be demonstrated by open book accounting.

Theatres Trust (635): Theatres are semi-commercial operations that do not justify planning gain contributions, particularly because there is no direct connection with the physical environment or the impact of a particular development proposal. Therefore no changes are commended in response.

Airtricity (961): Policy 15 neither refers to nor seeks voluntary community benefit payments. It deals solely with developer contributions through the planning system. Developer contributions are not sought solely from residential developers. The Council is very clear about the distinction between developer contributions and community benefit payments. This is evidenced by its corporate policy on Community Benefits and information on its website. The forthcoming Supplementary Guidance on Developer Contributions will provide further clarity. Therefore no modifications are required in response.

The Development Plan Scheme is available at:-

<http://www.highland.gov.uk/yourenvironment/planning/developmentplans/developmentplanscheme.htm>

The Council's corporate policy on Community Benefit is available at:-

<http://www.highland.gov.uk/livinghere/communityplanning/communitybenefit/>

Any Further Plan Changes Commended by THC

Modification of Policy 15 (it is suggested by inclusion of a second paragraph) to provide for reduction in developer contributions if exceptional/ abnormal development costs can be

demonstrated by open book accounting.

Reporter's Conclusions

I do not consider that the range of developer contributions that has been listed is too wide, as it is clear that each is only a potential item and would require to be justified separately. There may be circumstances where it is appropriate for any of these to be sought, but it is unlikely that all of them would be appropriate to any single development proposal.

I recognise that a degree of uncertainty for developers is inevitably created by this policy. However, the supporting text should confirm that in negotiations account will be taken of the implications for the financial viability of the proposed development, and that any agreement reached would be consistent with government policy. This is now set out in Circular No. 1/2010, which has replaced Circular No. 12/1996.

The policy is not restricted to housing developments, but requires contributions to be related to the development. The wording of this aspect of the policy can be clarified by stating that these contributions would be for a planning purpose, and would be proportionate to the scale and nature of the impacts associated with the development.

I consider that leisure facilities are not excluded from the category of "community facilities", but that it is not appropriate for the plan to be prescriptive with regard to specific types of facilities, such as theatres. Payments made by developers to community organisations for other purposes do not come under the ambit of this policy.

Reporter's Recommendations

1. The supporting text in paragraph 7.44 should be modified by adding:

"In negotiations between the Council and the developer, account will be taken of the implications for the financial viability of the proposed development, and any agreement reached will be consistent with government policy set out in Circular No. 1/2010."

2. The first part of the second sentence of Policy 15 should be modified to read:

"These contributions should be for a planning purpose, and be proportionate to the scale and nature of the impacts associated with the development, and may"

Issue (ref and heading):	113. HOUSING IN THE COUNTRYSIDE	Reporter: David Russell
Development plan reference:	General Policy 16 Housing in the Countryside and supporting text 7.47-7.49, WS 49	
Body or persons submitting a representation raising the issue (reference no.):		
Brodies (for A Besterman) (273)		
Provision of the Development Plan to which the issue relates:	Policy framework relating to Housing in the Countryside within the identified hinterlands of towns.	
Council's summary of the representation(s):		
<p><u>Brodies (for A Besterman) (273)</u>: Structure Plan policy H3 Housing in the Countryside does not permit housing in the open countryside unless it can be demonstrated that it is required for management of the land or related family purposes. Policy 16 should be modified to reflect the Structure Plan policy. Methods of establishing exceptional need for housing could include investigation of business plans and consideration of the viability of projects, particularly if they are to rely on subsidies. It could also be based on temporary accommodation on site being used as a stepping stone to permanent building.</p> <p>All of the exceptions referred to in policy 16 should be subject to an assessment of the infrastructure constraints and a requirement for necessary maintenance and upgrading as a result of development. Previous local plans have required contributions to the upgrading of roads and servicing by the developer and this should be specified again. Individual housing in the countryside should also be subject to a reality check. Policy 16 in respect of open countryside outwith hinterland, expressly refers to Policy 3 as the only restraint, yet Policy 3 relates to all types of development and not housing in particular.</p> <p>(This representation is associated with Brodies' representation on Policy 3 "Wider Countryside".)</p>		
Modifications sought by those submitting representations:		
<p><u>Brodies (for A Besterman) (273)</u>:</p> <ul style="list-style-type: none"> • The words "it is demonstrated that" should be added to the end of the phrase "Exceptions to the policy will only be made where" in draft policy 16. • The words "land management or" should be deleted from the first exception so that it should read "A house is essential for family purposes related to the management of the land (retired farmers/spouses)". • In exceptions 1, 2 and 5 of Policy 16 the words "and the need for housing in those circumstances is proved" should be added to the end of these three exceptions. • The words "and where, the status of 'the dwelling' is in doubt, the need for housing in those circumstances is proved" should be added to the end of exception 4. • In the second paragraph, the word "indicate" should be replaced by the word "establish". • The beginning of the third paragraph should be modified to read "In the open countryside outwith the hinterland of towns, we will assess proposals in terms of viability, need and infrastructure consequences and in the context of Policy 3.....". 		

Summary of response (including reasons) by planning authorityResponse(s) and Reasons

Brodies (for A Besterman) (273): The Council considers that no changes should be made to this part of the Plan. The Local Plan policy has been designed to fit closely with the Structure Plan and with the Council's Housing in the Countryside Development Plan Policy Guideline (DPPG). In particular, the wording of the exceptional circumstances in the Policy 16 closely fit with the wording used in the DPPG. It is not necessary to change Policy 16 in this respect and doing so may cause confusion. The DPPG provides useful advice to applicants about what they will need to demonstrate. In respect of the final paragraph of the policy, referring to housing development in the open countryside outwith the hinterland of towns, that paragraph is primarily included for clarity to inform the reader of the Plan that such proposals are not subject of the more restrictive approach set out in the previous paragraphs of the policy. In cross-referring to Policy 3, it is not intended to signpost all of the policies that must be considered for such development. Furthermore, Policy 3 does provide a basis for taking into account aspects of viability, need and infrastructure consequences.

For information, the DPPG has recently been under review. The review examined the effectiveness and fit for purpose of the existing housing in the countryside policy as set out in the Structure Plan, Local Plans and associated Development Plan Policy Guidance. An outcome of the review has been the preparation of Interim Supplementary Planning Guidance which has recently been consulted upon. The results of consultation will soon be considered by Committee. It is intended that the interim guidance will provide the Council's policy approach to Housing in the Countryside in advance of the Highland wide Local Development Plan.

The Housing in the Countryside DPPG and Draft Interim SPG are both available at:-
<http://www.highland.gov.uk/yourenvironment/planning/developmentplans/developmentplanpolicyguidance/>

Any Further Plan Changes Commended by THC

None.

Reporter's Conclusions

The local plan is required to conform with the provisions of the structure plan. In this case, it is Policy H3 of the structure plan which sets the framework for the local plan's policy, and not the Council's current or revised supplementary guidance. The structure plan's policy sets out a very restrictive approach, and it is clear from the text of the structure plan that this applies throughout the plan area. The introduction of additional categories of exception to its presumption against development, both within and outwith the "hinterland" around Fort William, does not conform with the structure plan. The review of this policy through the preparation of the new Highland-wide Local Development Plan, which will replace both the structure plan and the local plan, is the appropriate means of amending the policy framework.

Policy H2 of the structure plan deals with new settlements. Outwith the Inner Moray Firth it only provides support for the development of new crofting townships, and this should be reflected in the local plan. References to a proposed new community at Torlundy should not be included, as this would not accord with the structure plan, and I have recommended a modification to delete the proposal from the plan at Issue 90.

I consider that, to a significant extent, Policy 16 contradicts the structure plan and would be a source of uncertainty and ambiguity. In these circumstances, I consider that it should be omitted, and the text relating to the topic of housing in the countryside should refer the reader directly to Policy H3 of the structure plan and, in the case of proposed new settlements in the countryside, to Policy H2 of the structure plan. The development management process enables consideration to be given as to whether an exception to the policies of the development plan is justified due to the particular merits of a specific proposal.

Reporter's Recommendations

The plan should be modified by:

1. Re-naming the section "Housing in the Countryside" as "New Settlements and Housing in the Countryside"
2. Amending paragraph 7.47 to read: "The policies which will be applied to proposals for new settlements or for housing in the countryside are those set out in Policies H2 and H3 of the structure plan. The proposals map defines the hinterland around Fort William, as required by the structure plan, for the purposes of Policy H3."
3. Adding an insert to the text, setting out the terms of Policies H2 and H3 of the structure plan.
4. Omitting Policy 16.

Issue (ref and heading):	114. DESIGN QUALITY AND PLACE-MAKING	Reporter: David Russell
Development plan reference:	General Policy 18 Design Quality and Place-Making and supporting text 7.51, WS 51	
Body or persons submitting a representation raising the issue (reference no.):		
Scottish Natural Heritage (697)		
Provision of the Development Plan to which the issue relates:	Policy framework relating to Design Quality and Place-Making considerations for new development.	
Council's summary of the representation(s):		
<p><u>Scottish Natural Heritage (697)</u>: The Plan currently does not meet guidance set out in NPPG 14 and SPP 11 in its coverage of public access, including core paths, rights of way and other routes. There is no policy on access and recreation and no explicit reference to the protection of rights of way and other important paths, nor to the enhancement of recreational opportunities through the development of further paths. Because access rights and core paths plans are material considerations in determining applications for planning permission, the Local Plan should contain appropriate policy references for this purpose.</p> <p>SNH therefore wishes the Council's Development Plan to include the key recreational path network on its proposals map, and a further general policy which has regard to the maintenance and enhancement of that network (SNH has suggested some wording). However, SNH understands that Access (with linkage to Core Path Plans) will be dealt with in the forthcoming Highland-wide Local Development Plan. Given that, SNH would be content for this Local Plan to include a more explicit reference to the Core Path Plan than it has currently. In the absence of a section and policy on access, this could be incorporated in the general policy section under Design Quality and Place Making.</p>		
Modifications sought by those submitting representations:		
<p><u>Scottish Natural Heritage (697)</u>: Include the following wording in the justification text preceding General Policy 18: "Public access should be maintained and improved, with core paths upheld" (reference to Core Path Plan).</p>		
Summary of response (including reasons) by planning authority		
<p><u>Scottish Natural Heritage (697)</u></p> <p><u>Response(s)</u>: NO CHANGE.</p> <p><u>Reasons</u>: The Local Plan does already make reference to Core Path Plans, within the Vision and within the policy sections on Developer Contributions and Travel. The wording suggested for inclusion in the justification text preceding General Policy 18 is itself written as a policy; the forthcoming Highland-wide Local Development Plan (HLDP) and other guidance will cover this issue with adequate balance. The Council's Development Plan Scheme (Spring 2009) listed 22 key policy areas which will be looked at as part of the HLDP and includes the topic of 'Access', which will include considering further the matters raised by the objectors on this issue and policy options.</p> <p>[For information, SNH also raised essentially the same issue in respect of the Sutherland Local Plan and the Council's response on that issue in respect of both Plans is the same.]</p>		

The Development Plan Scheme is available at:-

<http://www.highland.gov.uk/yourenvironment/planning/developmentplans/developmentplanscheme.htm>

Information on the preparation of Core Path Plans for the Highland Council is available at:-

<http://www.highland.gov.uk/leisureandtourism/what-to-see/countrysideaccess/>

Any Further Plan Changes Commended by THC

None.

Reporter's Conclusions

Core paths and aspects of public outdoor access are already referred to in the plan's "vision" for both Lochaber and Skye & Lochalsh. As the suggested reference to maintaining and improving public access would sit uncomfortably with the section on "design quality and place-making" which focuses on new development proposals, I consider that its inclusion would cause confusion. Maintenance and upgrading of existing paths is already addressed by Policy SR6 of the structure plan, and does not require to be repeated in the local plan.

Reporter's Recommendations

No modification.

Issue (ref and heading):	115. GENERAL POLICIES: Omission of policy on protection of the Water Environment	Reporter: David Russell
Development plan reference:	Chapter 7 General Policies, WS 31-52	
Body or persons submitting a representation raising the issue (reference no.):		
Scottish Environment Protection Agency (446)		
Provision of the Development Plan to which the issue relates:	Policy framework's provision for protection of the Water Environment.	
Council's summary of the representation(s):		
<p><u>Scottish Environment Protection Agency (446)</u>: The Scottish Environment Protection Agency objects to the omission of a specific policy on protection of the water environment, for the following reasons:</p> <ul style="list-style-type: none"> • NPPG 14 states that planning authorities should seek to safeguard the natural heritage value of certain types of water bodies within the context of a wider framework of water catchment management, particularly important in this Plan area where allocations in close proximity or enclosing watercourses are common. • Structure Plan Policy FA11 states that the Council will, in co-operation in partners, use the planning system and voluntary codes of good practice to ensure the proper management of river systems. • The EC Water Framework Directive (2000/60/EC) is aimed at maintaining and improving the quality of aquatic ecosystems and requires that any ecological risks to the water environment associated with development (including engineering operations) be identified and controlled. • The Water Environment and Water Services (Scotland) (WEWS) Act 2003 implements the Directive and under the Act Local Authorities are Responsible Authorities and therefore must give consideration to the aims of the Directive when exercising their functions, including preparation of Development Plans. One of the key tasks of the Directive regime is the production of River Basin Management Plans (RBMP) and the land use planning system has an important role to play in maintaining and enhancing the water environment, particularly prior to RBMPs being produced. The Highland Council is partner in the production of RBMP covering this area. 		
Modifications sought by those submitting representations:		
<p><u>Scottish Environment Protection Agency (446)</u></p> <p>1. A policy included in the Plan which states that planning applications will be determined in compliance with the Water Framework Directive, SEPA recommending that such policy would state that any development that may have a detrimental impact on the water environment would not be supported unless suitable mitigation can be put in place to ensure compliance with the objectives of the Water Framework Directive or SEPA have confirmed that an exemption from Water Framework Directive requirements will apply.</p> <p>Or alternatively SEPA will now agree to:</p> <p>2. No modification to the Plan but a formal commitment by the Council to including a policy on this in the forthcoming Highland Local Development Plan.</p>		

Summary of response (including reasons) by planning authority

Scottish Environment Protection Agency (446)

Response(s): NO CHANGE but the Council will continue to work with SEPA on this issue in respect of the Highland-wide Local Development Plan in order to explore policy options.

Reasons: A key task of The Water Framework Directive regime is the production of River Basin Management Plans. That work is ongoing and will inform the future Development Plan. It would be appropriate that consideration of what planning policy framework may be required for assessing compliance of planning applications with the Directive be carried out on a Highland-wide basis. The Council is considering policy options for this through preparation of the Highland-wide Local Development Plan (HLDP). The Council's Development Plan Scheme (Spring 2009) listed 22 key policy areas which will be looked at as part of the HLDP. Whilst that list did not include the Water Environment (and RBMP) specifically, that topic has since been added and has been discussed with SEPA together with Council officers involved in RBMP work in order to inform the Main Issues Report for the HLDP (although clearly, in advance of consultation on the Main Issues Report, the Council is unable to confirm at this time the inclusion of a particular policy within the eventual Proposed Plan). In the interim, Structure Plan policies FA11 and G2 provide a broad basis for consideration of relevant issues. In addition, certain development land allocations in the Plan have a developer requirement requiring retention and integration of existing watercourses as natural features within the development.

[For information, SEPA also raised essentially the same issue in respect of the Sutherland Local Plan and the Council's response on that issue in respect of both Plans is the same.]

The Development Plan Scheme is available at:-

<http://www.highland.gov.uk/yourenvironment/planning/developmentplans/developmentplanscheme.htm>

Any Further Plan Changes Commended by THC

None.

Reporter's Conclusions

In view of the Scottish Environment Protection Agency's willingness not to pursue a modification to the plan, the evidence of the Council's commitment to addressing the issue of protection of the water environment through the new Highland-wide local development plan, and the protection which is already provided by Policies FA11 and G2 of the structure plan, I consider that it is not necessary to amend the local plan.

Reporter's Recommendations

No modification.

Issue (ref and heading):	116. GENERAL POLICIES: Omission of policy on Air Quality issues	Reporter: David Russell
Development plan reference:	Chapter 7 General Policies, WS 31-52	
Body or persons submitting a representation raising the issue (reference no.):		
Scottish Environment Protection Agency (446)		
Provision of the Development Plan to which the issue relates:	Policy framework's provision for Air Quality issues.	
Council's summary of the representation(s):		
<p><u>Scottish Environment Protection Agency (446)</u>: SEPA objects to the omission of an appropriate policy addressing air quality, for the following reasons:</p> <ul style="list-style-type: none"> • Structure Plan Policy W12 requires the Council to adhere to certain principles in considering development proposals, and where appropriate, new developments will be required to submit an environmental assessment which address air pollution. • Policy guidance from the Scottish Executive dated March 2004 'Air Quality and Land Use Planning' states that the planning system has a particularly important role to play both in efforts to improve air quality and to at least ensure that existing air quality does not deteriorate. It says that local authorities should integrate air quality considerations within the planning process at the earliest possible stage and consider developing supplementary planning guidance or protocols. SEPA considers that review of the Local Plan provides the opportunity for such integration of air quality considerations. • The guidance goes on to identify a number of issues that should be considered in the preparation of development plans, and which may also be material in the consideration of individual planning applications, as follows: <ul style="list-style-type: none"> - ensuring that land use planning makes an appropriate contribution to the achievement of air quality objectives; - the need to identify land, or establish criteria for the location of potentially polluting developments and the availability of alternative sites; - inclusion of policies on the appropriate location for new development, including reducing the need to travel and promoting public transport; - the potential effects of particular types of development on existing and likely future air quality, particularly in and around Air Quality Management Areas; and - the requirements of air quality action plans. 		
Modifications sought by those submitting representations:		
<p><u>Scottish Environment Protection Agency (446)</u></p> <p>1. A policy included in the Plan which states that the Planning Authority will take into account the impact of development on air quality in general and the findings of its Local Air Quality Management review and assessment of air quality in particular, and in addition which states that an assessment of the impact on air quality would be required for all development proposals that are likely to have significant air quality impacts.</p> <p>Or alternatively SEPA will now agree to:</p> <p>2. No modification to the Plan but a formal commitment by the Council to including a policy on this in the forthcoming Highland Local Development Plan.</p>		

Summary of response (including reasons) by planning authority

Scottish Environment Protection Agency (446)

Response(s): NO CHANGE but the Council will continue to work with SEPA on this issue in respect of the Highland-wide Local Development Plan in order to explore policy options.

Reasons: Air quality is only one of many important matters for consideration and the Council would be concerned if it were highlighted above other relevant planning considerations. It would be appropriate that consideration of what planning policy framework may be required for assessing the air quality implications of planning applications be carried out on a Highland-wide basis. The Council is considering policy options for this through preparation of the Highland-wide Local Development Plan (HLDP). The Council's Development Plan Scheme (Spring 2009) listed 22 key policy areas which will be looked at as part of the HLDP. That list includes Air Quality specifically and has since been discussed with SEPA together with Council officers dealing with air quality matters in order to inform the Main Issues Report for the HLDP (although clearly, in advance of consultation on the Main Issues Report, the Council is unable to confirm at this time the inclusion of a particular policy within the eventual Proposed Plan). In the interim, Structure Plan policies W12 and G2 provide a broad basis for consideration of relevant issues. The Council considers therefore that it is not necessary to introduce air quality as a specific consideration within the policies of the Plan which is subject of this Examination, but suggests that if the Reporter disagrees then a brief reference to air quality as a development consideration be added to General Policy 10 Physical Constraints (Other Development Considerations).

[For information, SEPA also raised essentially the same issue in respect of the Sutherland Local Plan and the Council's response on that issue in respect of both Plans is the same.]

The Development Plan Scheme is available at:-

<http://www.highland.gov.uk/yourenvironment/planning/developmentplans/developmentplanscheme.htm>

Any Further Plan Changes Commended by THC

None.

Reporter's Conclusions

In view of the Scottish Environment Protection Agency's willingness not to pursue a modification to the plan, the evidence of the Council's commitment to addressing the issue of air quality through the new Highland-wide local development plan, and the protection which is already provided through Policies W12 and G2 of the structure plan, I consider that it is not necessary to amend the local plan.

Reporter's Recommendations

No modification.

Issue (ref and heading):	117. GENERAL POLICIES: Omission of policy on Renewable Energy Development issues	Reporter: David Russell
Development plan reference:	Chapter 7 General Policies, WS 31-52	
Body or persons submitting a representation raising the issue (reference no.):		
Airtricity (961)		
Provision of the Development Plan to which the issue relates:	Policy framework's provision for Renewable Energy Development issues.	
Council's summary of the representation(s):		
<p><u>Airtricity (961)</u>: Whilst it is recognised that any proposed onshore wind farm development will be 'guided' by the Council's emerging revised "Renewable Energy Strategy and Planning Guidelines" (HRES), and assessed against new supplementary planning guidance (currently being prepared), the Plan lacks policy and preferred areas of search mapping for renewable energy development and should reflect the requirements of national planning policy and advice on this and be informed by consultation.</p>		
Modifications sought by those submitting representations:		
<p><u>Airtricity (961)</u>: The inclusion of policy specifically dealing with renewable energy development.</p>		
Summary of response (including reasons) by planning authority		
<p><u>Airtricity (961)</u></p> <p><u>Response(s) and Reasons</u>: No change should be made to the Local Plan, other than certain minor changes. Earlier drafts of the Plan contained some locational guidance for renewable technologies based on HRES. However, in view of it not being fully compliant with Scottish Planning Policy 6 and that it is going to be updated and partly replaced as explained below, the 2008 Deposit Draft generally does not contain such locational guidance. For the avoidance of doubt, any remaining locational guidance should be deleted (whilst retaining references to support in principle for renewable energy development). Cross-references to HRES and emerging policy and guidance for renewables should be updated to reflect progress made.</p> <p>The forthcoming Highland-wide Local Development Plan (HLDP) and associated Guidance for on-shore wind energy development currently being prepared by the Council, and related updating of HRES, will respond to SPP6 and National Planning Framework 2 (NPF2). Together they will provide a suite of policies for renewable energy, and a more specific spatial planning framework to guide and assist the consideration of wind farm developments in accordance with SPP6 Annex A. It is appropriate to develop these policies and guidance (including reviewing existing ones) on a Highland-wide basis. Preparation of both the HLDP and associated Guidance are in progress and they will be consulted on later this year before finalisation and adoption. In the interim, as well as the Local Plan the Structure Plan and HRES are important to the consideration of proposals, together with SPP6. Information on the HLDP and associated Guidance being prepared is provided in the Council's Development Plan Scheme. A key consideration within those documents in respect of wind farms will be landscape sensitivity and impact assessment, including</p>		

cumulative impact assessment which is not fully addressed by the Council's existing documents. A major input to the work is therefore a landscape study looking at these issues and the final report of the consultant undertaking that study for the Council is expected during Summer 2009. With regard to national policy, the Council made representations on NPF2 including on renewable energy and grid issues. The Council is aware of the current grid constraints in the context of seeking to meet targets for renewables set out in HRES. The Council will continue to engage with Scottish Government and others on these issues.

[For information, Airtricity also raised essentially the same issue in respect of the Sutherland Local Plan and the Council's response on that issue in respect of both Plans is the same.]

The Development Plan Scheme is available at:-

<http://www.highland.gov.uk/yourenvironment/planning/developmentplans/developmentplanscheme.htm>

Any Further Plan Changes Commended by THC

Delete any remaining locational guidance in the Local Plan for renewable technologies (whilst retaining references to support in principle for renewable energy development). Update cross-references to HRES and emerging policy and guidance for renewables to reflect progress made.

Reporter's Conclusions

Policies E1, E2 and E3 of the structure plan provide a broad policy framework through the development plan to support appropriate renewable energy development, and this is augmented by current government policy set out in the recently published Scottish Planning Policy. The non-statutory Highland Renewable Energy Strategy is being revised to accord with government policy and at present the Council is not able to translate more specific guidance into the local plan.

While that would have been desirable, the existing statutory policy framework is sufficient to enable the merits of individual proposals to be assessed appropriately. In these circumstances, inclusion of additional policy or locational guidance in the local plan is not necessary.

The reference at paragraph 5.18 of the plan to the development at Corpach of energy from waste facilities will be deleted by the modification recommended at Issue 84. The other locational references contained in paragraph 6.64 will be deleted by the modification recommended at Issue 101.

Reporter's Recommendations

No further modification.

Issue (ref and heading):	118. GENERAL POLICIES: Omission of policy on Open Space issues	Reporter: David Russell
Development plan reference:	Chapter 7 General Policies, WS 31-52	
Body or persons submitting a representation raising the issue (reference no.):		
Sport Scotland (762)		
Provision of the Development Plan to which the issue relates:	Policy framework's provision for Open Space issues.	
Council's summary of the representation(s):		
<p><u>Sport Scotland (762)</u>: Objection to the omission of adequate policy and basis for addressing open space issues, for the following reasons:</p> <ul style="list-style-type: none"> • There is an allocation for Open Space however there is no Open Space policy or justification in the Local Plan. Scottish Planning Policy 11 'Open Space and Physical Activity' sets out national planning policy on the provision and protection of open space. The local plan needs to address the SPP 11 objectives. There is no evidence that the local plan is based on an open space audit and strategy which would include one for playing fields and sports pitches. • The local plan does identify areas of open space within settlement proposal maps. However there are some inconsistencies in how these have been identified. Under SPP 11 all playing fields would be covered by paragraphs 45-47 and the criteria of paragraph 46 if such sites were subject to any proposal for redevelopment that came forward. • Placing an open space definition in the glossary is not an appropriate policy solution and it is not considered that this is a tighter definition than that in SPP11. SportScotland will not support any development on sports pitches or playing fields unless the conditions in SPP11 are satisfied. 		
Modifications sought by those submitting representations:		
<u>Sport Scotland (762)</u> : The local plan should address the need to comply with SPP 11 and include open space policies.		
Summary of response (including reasons) by planning authority		
<p><u>Sport Scotland (762)</u></p> <p><u>Response(s) and Reasons:</u> NO CHANGE.</p> <p>The Local Plan's General Policy 2 and its justification include an allocation type for Public Open Space (OS) and is the relevant policy on this matter. This allocation is for areas of public open space within Settlement Development Areas (SDAs) which are greenspace cherished by the local community and which the Plan specifically allocates in order to safeguard them from development. This is therefore a tighter definition for the purposes of this policy than the wider meaning of 'open space' in SPP11. This definition for the purposes of Policy 2 is given in the Glossary section of the Plan. Not all playing fields are covered by the Public Open Space allocation. Furthermore, Public Open Spaces outside SDAs are not allocated, although some degree of safeguard may be afforded by virtue of the policy considerations under General Policy 3 'Wider Countryside', albeit not specifically.</p> <p>Between successive drafts of the Plan, the Council has reviewed the mapping and made some changes in relation to specific settlements such that the 2008 Deposit Draft achieves greater consistency as to which types of open space are identified in the Plan.</p>		

The Council has recently produced new Supplementary Planning Guidance for Open Space Provision in New Residential Developments. This, coupled on large sites with a masterplanning approach to development, will assist in delivering new open space provision. The Council is also undertaking significant work in terms of facilities modelling at present.

It is acknowledged that there is a need to carry this work through and address other aspects of SPP11. This work will not be available in sufficient time to inform this Local Plan; it is programmed as part of the production of the suite of new-style Local Development Plans and Supplementary Guidance set out in the Council's Development Plan Scheme. The Council has therefore recently embarked on a considerable programme of audit work and will consider options for policies and associated mapping. In the Local Development Plans the Council will use the typology of open space, sport and recreation provision set out in PAN65.

In the interim, Structure Plan Policies SR1 and, of particular relevance, SR2 remain part of the Development Plan and SPP11 is a material consideration, additional to the policy coverage set out in the Local Plan.

[For information, SportScotland also raised essentially the same issue in respect of the Sutherland Local Plan and the Council's response on that issue in respect of both Plans is the same.]

The Development Plan Scheme is available at:-

<http://www.highland.gov.uk/yourenvironment/planning/developmentplans/developmentplanscheme.htm>

The Open Space SPG is available at:-

<http://www.highland.gov.uk/yourenvironment/planning/developmentplans/developmentplanpolicyguidance/>

Any Further Plan Changes Commended by THC

None.

Reporter's Conclusions

I agree that the approach to open space provision in the local plan is not wholly consistent with national policy set out in the recently published Scottish Planning Policy, which replaced National Planning Policy Guideline 11: 'Sport, Physical Recreation and Open Space'.

However the work required cannot be done within the timescale and resources available. Policies SR1 and SR2 of the structure plan will continue to apply, giving protection to sports facilities and amenity open space in settlements, and the land allocated for open space through this plan will make an important contribution. Policy 18 of this plan already requires developers to take account of the existing patterns of open space in settlements when drawing up new proposals.

The terms of Scottish Planning Policy will be an important material consideration in dealing with development proposals. Given the Council's commitment to progressing this matter through the new Highland-wide local development plan, I consider that it would not be appropriate or necessary to require further, currently undefined, alterations to be made to this plan.

Reporter's Recommendations

No modification.

Issue (ref and heading):	119. GENERAL POLICIES: Omission of policy on Contaminated Land issues	Reporter: David Russell
Development plan reference:	Chapter 7 General Policies, WS 31-52	
Body or persons submitting a representation raising the issue (reference no.):		
Scottish Environment Protection Agency (446)		
Provision of the Development Plan to which the issue relates:	Policy framework's provision for Contaminated Land issues.	
Council's summary of the representation(s):		
<p><u>Scottish Environment Protection Agency (446)</u></p> <p>SEPA objects to the omission of clear policy on contaminated land, for the following reasons:</p> <ul style="list-style-type: none"> • Whilst General Policy 10 refers to land with possible contamination issues, a separate policy on the issue would provide clearer guidance to developers on how contaminated land needs to be risk-assessed, remediated and redeveloped. Land subject to contaminative uses is an important issue in the Highland Council area, as it contains a significant area of such land. • Planning Advice Note 33 'Development of Contaminated Land' states that: <ul style="list-style-type: none"> - In preparing development plans, planning authorities are expected to encourage and promote the reuse of Brownfield land, including contaminated sites. Development plans provide an opportunity for authorities to set out their priorities for the reclamation and re-use of contaminated land, and to inform developers of the availability of sites, and the potential constraints attached to them. - Planning authorities should therefore require that applications include suitable remediation measures. If they do not, then there are grounds for refusal. Where applications are approved, conditions should be put in place to ensure that land is remediated before the commencement of any new use. - The planning authority must consider whether a developer's restoration plan is adequate to avoid unacceptable risks to human health and the wider environment from the contamination on the site, both during the restoration period and for the final end use. The end use of the site is a crucial consideration when determining whether a restoration plan is adequate. • The Planning Authority should satisfy itself that the potential for contamination is properly investigated, that risks associated with any contamination are assessed and that any necessary remediation is undertaken to ensure that the land is suitable for its proposed new use and does not represent a risk to the wider environment. SEPA's role is to provide advice to Local Authorities primarily with respect to the water environment aspects of the identification and treatment of contaminated sites. The Council's own Contaminated Land Team should be engaged to advise further in developing policy. 		
Modifications sought by those submitting representations:		
<p><u>Scottish Environment Protection Agency (446)</u></p> <p>1. A separate policy is inserted into the Plan to the following effect:</p> <p>"Where development is to take place on land that has been subject to contaminative uses,</p>		

the developer is required to undertake an adequate risk assessment of the site, and to propose measures to avoid unacceptable risks to human health and the wider environment both during the restoration period and for the final end use."

Or alternatively SEPA will now agree to:

2. No modification to the Plan but a formal commitment by the Council to including a policy on this in the forthcoming Highland Local Development Plan.

Summary of response (including reasons) by planning authority

Scottish Environment Protection Agency (446)

Response(s) – NO CHANGE but the Council will continue to work with SEPA on this issue in respect of the Highland-wide Local Development Plan in order to explore policy options.

Reasons – It would be appropriate that consideration of what planning policy framework may be required to address contaminated land issues be carried out on a Highland-wide basis. The Council is considering policy options for this through preparation of the Highland-wide Local Development Plan (HLDP). The Council's Development Plan Scheme (Spring 2009) listed 22 key policy areas which will be looked at as part of the HLDP. That list includes Contaminated Land specifically and has since been discussed with SEPA and the Council's Contaminated Land Team in order to inform the Main Issues Report for the HLDP (although clearly, in advance of consultation on the Main Issues Report, the Council is unable to confirm at this time the inclusion of a particular policy within the eventual Proposed Plan). In the interim, General Policy 10 Physical Constraints (Other Development Considerations) provides a reference to land with possible contamination issues as a development consideration. That reference in General Policy 10 has been added to since an earlier draft of the Plan, such that the 2008 Deposit Draft provides additional guidance to developers (the section in brackets).

[For information, SEPA also raised essentially the same issue in respect of the Sutherland Local Plan and the Council's response on that issue in respect of both Plans is the same.]

The Development Plan Scheme is available at:

<http://www.highland.gov.uk/yourenvironment/planning/developmentplans/developmentplanscheme.htm>

Any Further Plan Changes Commended by THC

None.

Reporter's Conclusions

In view of the Scottish Environment Protection Agency's willingness not to pursue a modification to the plan, the evidence of the council's commitment to addressing the issue of contaminated land through the new Highland-wide local development plan, and the provisions relating to contaminated land already contained within Policy 10, I consider that it is not necessary to require further amendments to be made to this plan.

Reporter's Recommendations

No modification.